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ART. I. — *Popular Poetry of the Teutonic Nations.*

1. *Volkslieder der Deutschen.* Eine vollständige Sammlung u. s. w. durch Fr. Karl, Freiherrn von Erlach Mannheim, Hoff, 1834.
2. *Holländische Volkslieder.* Gesammelt und erläutert von Dr. Heinrich Hoffmann, Breslau, 1833.
3. *Danske Viser fra Middelalderen* etc. collected by Nierup, Rahbeck, and Abrahamson, 3 Vols. Copenh. 1813.
4. *Svenske Folkvisor*, by Geijer and Afzelius, 5 vols. Stockh. 1814 — 1816.

WE have often been struck with the truth of Herder's remark, that the line of characteristic distinction is drawn far more sharply between the popular poetry of the different nations, than between their printed literatures. Learned writers borrow from, or imitate each other; while the analogies in the popular productions are only to be ascribed to agreement in a common nature. It is chiefly in respect to these characteristic differences, that these latter ought to be of the deepest interest to the philosopher and the historian. The different languages of the different nations are the store-houses of their respective thoughts and sensations. The treasures, accumulated there in the course of centuries, enriched by each thinking and

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imaginative mind, but also often falsified by foreign influence and deficiency in discernment, are coined in the most national, in the most idiomatic form, in traditional tales and popular poetry. There is indeed a symbolic language common to the human race; but only in its principal outlines; all the finer shades are the result of the climate or of historical influences. We do not wish however to be thought to overrate the poetry of the people in respect to its absolute beauty. William Grimm, speaking of the ancient Danish popular ballads, calls the poetry of nature "a mighty stream, which advances, dashing and foaming with its own living pulses, and slowly rolls on to traverse the whole land;" while he compares the poetry of art to "the ornamental aqueduct, which forces the waters of the living stream through narrow pipes, and causes them to rise in jets or fall in artificial cascades." But *natural* and *popular* poetry are two distinct things often confounded. Genuine art never injured natural talent. Men do not, like nightingales, bring song with them into the world, but only the capacity for song. The mind of the popular poet is in general the most cultivated in his circle. He thinks as much of the *effect* of his song, as the learned poet does; and his effusions are beautiful, not *because* he is an uneducated man, but *in spite* of his being so.

In comparing the nations of Europe to those of the other continents, there is nothing which can give us a stronger proof of the superiority of the former, than their respective popular poetry. We were prepared to find the latter infinitely below us in civilization and intellect; but the wild flowers we are looking for, do not require a cultivated soil; and from the very bosom of a rough and stony earth, the miner fetches precious gems. In respect to the Oriental races, it may justly be said, that their best mental productions are deposited in their written literature; and that the small information we have as to the East, must necessarily prevent our discovering hidden treasures. But the literature of a nation is after all only the product of the faculties of a few individuals; and as to the latter objection, we doubt, whether Hindoostan is not better known to our scholars than Servia. We do not hesitate to maintain, that a single village of this latter province harbors more real poetry than all the Indo-Chinese countries together; and one valley of South Western Germany, more than the whole Celestial Empire. The very rudest beginnings of the European

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nations exhibit at least some features of energy and ardor; while a feebleness and tameness prevails in most of the productions of the Eastern semi-barbarians to such a degree, that we are inclined to assent to the opinion of a sagacious English writer, who "sometimes thought that the extreme monotony and uniformity of season, production, and scenery in the East, might contribute to deaden and tranquillize the faculties, removing from the mind the powerful incentive of variety to animate and rouse it to action."*

There are certainly among the Oriental nations some, which, as a whole, bear decidedly the stamp of poetical nations, e. g. the Afghauns, whom Mountstuart Elphinstone thinks the only Eastern people who know the feeling of love, in the Christian-European sense of this word; and also the Arabs, even independently of their former wide and well known influence. Indeed the whole life of the Bedouins is interwoven with a kind of wild poetry; and other nomadic nations of Asia have more or less of the same stamp. But compare their poetical productions, the creations of their fancy, with those of the European races, Teutonic or Slavic, and you will be struck with the difference. We are however far from denying the influence which the East has exercised on our poetry, as well as on other tendencies of our mental developement. And how *could* we deny what history herself has written with distinctly legible characters, when she informs us that all the great families of nations, which now form the population of Europe, issued from the inexhaustible sources of Asia? Education begins in the cradle; and even education cannot entirely extirpate natural propensities and faculties. To this was added the general influence of the Crusades, direct and indirect. There are numerous tales still living among all the European races, evidently drawn from the great fountain of the East. But, if we except those nations which are by their local situation connected with oriental ones, as are most of the Slavic and the Hungarian tribes,—only the body of those tales is the same; another spirit breathes in them.

On the other hand we recognise, notwithstanding our remarks about their characteristic distinctions, a certain family resemblance in the popular poetry not only of such of the European nations as belong to one and the same stock, but among them all; the stamp impressed by a common religion, and by

* Crawfurd's History of the Indian Archipelago.

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the feudal system more or less prevalent among them all. There are not a few striking points of coincidence in the popular productions of all European nations. Numberless variations on a very few themes, are common to the South and to the North. And indeed, what we call poetical invention, what is it, but variety in the mode of combination? "The colors," as an able German writer remarks,* "nay even the forms in poetry, as in the kaleidoscope, already exist; accident here, and genius there, put them in new positions and thus create new pictures." But the affinity of the subjects is not the only striking resemblance. We shall show in the sequel, how often poets belonging to nations differently situated, and in cases where it is beyond question that they could not have imitated or influenced each other, have drawn precisely the same features.

In all traditionary poetry, you meet with frequent repetitions of certain stereotype phrases and terms. The same actions are almost without variation expressed in the same form of words. Our readers well know, how much also the king of popular singers, Homer, shares in this peculiarity. Besides the frequent recurrence of whole stanzas, there are also stereotype epithets, common to all popular poetry. In the Eastern-Slavic poetry, all subjects worthy of praise, are *white*, all fountains *cool*; the cuckoo is *grey*, the sabre is *sharp*, the sea is *blue*, etc. There are other similar epithets peculiar to each of the Slavic nations separately. In the ancient English ballads also, similar constantly recurring expressions are found: *my* (his) *own true love*, applied indiscriminately to faithful and faithless lovers, just as in the Servian song, the swarthy Arab's hand is *white; robes of green, my merry men all*, and many others. In the Scandinavian popular ballads all cloaks are *blue* or *grey*, all damsels *proud*, or when mentioned by their christian names *little*, as *little Kirstin, Sidselille*, etc. the harp is *golden*, the noble steed *grey*. German popular poetry has fewer epithets; but it abounds in repetitions of certain phrases and expressions. The simplest actions or occurrences are introduced by an interrogation:

"What draws he from his pocket?
A knife, so pointed and sharp, etc.

* Wilibald Alexis, on "Balladen Poesie," Hermes, No. XXI.

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What found she standing in the road ?
A hazel, that was green," etc.*

Spanish and Italian popular poetry, since these languages, from their more poetical nature, are instruments more easily managed, partake least of this peculiarity ; their poets take however the more liberty in borrowing thoughts and ideas from each other.

Another point of coincidence more or less common to all the different races, is the *burden* or refrain ; and in this they agree with most savage nations. This feature indeed has a deeper foundation in human nature than is discernible to a superficial observer. Alexander Humboldt, in speaking of the pottery of the Maypures, an American tribe, who painted with great skill *grecques*, i. e. certain figures of animals, meandrites, following one another in rhythmic order, observes : "The eye finds in this order, in the regular periodical return of the same forms, what the ear distinguishes in the cadenced succession of sounds and concords. Can we then admit a doubt that the perception of rhythm manifests itself in man at the first dawn of civilization, and in the rudest essays of poetry and song ?"† The same remark might be applied to the *burden* of popular songs. Emanating from a natural human want, it is, as we observed above, known to all the nations in the world ; and its general use is its best justification. But what is with the Indian a mere animal ejaculation, an unmeaning *heh*, or *hih*, compared by Washington Irving to the sound of the hiccup, is with the northern ballad-singers often a picturesque idea, and always a musical phrase.

All nations employ riddles as a test of sagacity ; and this custom European nations brought from the East. In most of the modern languages we find popular ballads containing a gradation of questions, to the answer of which high importance

* How ancient this peculiarity is in German poetry, is manifest from its appearing repeatedly in the oldest specimen of verse the Germans possess, viz. in the lay of Hildebrand.

Was begegnet Dir auf der Heide ?	What meets thee in the moor ?
Ein stolzer Degen jung, etc.	A knight so proud and young, etc.
Was führt er auf dem Helme ?	What bears he on his helm ?
Von Gold ein Kreuzelein,	A little cross of gold ;
Was führt er auf der Seite ?	What leads he at his side ?
Den liebsten Vater sein.	His own dear father old.

† Remarks on the ancient Inhabitants of America.

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is often attached. In several old English ballads the lover's choice depends on the answers to the following questions :

"O what is longer than the long way ?
Or what is deeper than the deep sea ?
Or what is louder than the loud horn ?
Or what is sharper than the sharp thorn ?
Or what is greener than the green grass ?
Or what is worse than a woman was ?"

And he is satisfied with the answer :

"O love is longer than the long way !
And hell is deeper than the deep sea !
And thunder is louder than the loud horn,
And hunger is sharper than the sharp thorn !
And poison is greener than the green grass,
And the devil is worse than a woman was !"

In a Servian ballad a girl sits on the banks of the sea, inquiring :

"What's broader than the mighty sea ?
And what is longer than the field ?
And what is swifter than the steed ?
What sweeter than the honey dew ?
What dearer than a brother is ?"

A fish rises from the water, and gives her the following answer :

"O maid, thou art a foolish girl !
The heaven is broader than the sea ;
The sea is longer than the field ;
The eye is swifter than the steed ;
Sugar more sweet than honey dew ;
Dearer than brother is thy love."

Of a very similar description are the riddles of the Danish hero Vonved ; and it is quite in the character of northern heroism, that all persons not able to solve them, were punished with death. The same riddles exist in Swedish, as a separate ballad.

We could adduce many other instances of a similar surprising coincidence. Besides love and the admiration of heroic

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deeds, the feeling most strongly manifested in popular poetry, is the belief in an Omnipotent Providence and its retributive justice. This belief appears most prominent in German popular poetry. A multitude of examples occur at once to the writer, and probably to every reader familiar with German literature. In a well known Low-German nursery tale, "*Van den Machandelboom*," the concealed murder of the little boy, committed by his step-mother, comes so tragically to light, that no ancient tragic poet could have found in the atrocious deeds and final punishment of the Atridæ, a subject better rounded off, or answering better to the prescriptions of Aristotle. There is also a horrible ballad, where "three knaves," as they are called, come to an inn, and, after having peaceably taken lodgings, steal at night every thing they can find; and not being able to agree who shall have the beautiful daughter of the hostess, they cut her in three pieces, in order to divide her among themselves. It ends with the following verses:

> "And where there fell a drop of blood,
> A year an angel singing stood;
> And where the murderer put his sword,
> A year a raven sat and croak'd."

A beautiful Servian tale, called the *Sisters-in-Law*, offers a most striking instance of coincidence in the popular representations between two nations entirely different in situation and character, and where even the suspicion that one was borrowed from the other cannot occur. A young woman, jealous of the love her husband has for his unmarried sister, after having calumniated her in various ways, kills her own child and accuses poor Jelitza of this atrocious crime. Jelitza is punished in the manner she herself dictates, in case she should be found guilty. She is bound to the tails of wild horses, and her limbs are scattered through the fields:

> "But where'er a drop of blood fell from her,
> There a flower sprung up, a fragrant floweret;
> Where her body fell when dead and mangled,
> There a church arose from out the desert."*

The sister-in-law is soon after seized with a dreadful disease, which lasts "nine anniversaries;" she is brought to Jelitza's

* Bowring's Translation.

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church, to be there absolved and saved; but a voice from the church forbids her to come in; in utter despair she submits herself to the same punishment the innocent sister has suffered:

> "But where'er a drop of blood fell from her,
> There sprung up the rankest thorns and nettles.
> Where her body fell when dead, the waters
> Rushed and form'd a lake both still and stagnant."*

In accordance with this popular feeling, their ballads seldom, if ever, end with a moral dissonance, or want of poetic justice. Their lyric songs indeed do often; for they are the expressions of momentary feeling, and, as such, the mirrors of an individual state of mind. Spanish and Servian ballads do, likewise, sometimes thus terminate; for they lay, in general, no claim to *completeness;* they are, the former only historical, the latter only plastic representations of certain isolated situations; they seldom profess to relate the whole story, as do the ballads of the Teutonic nations, especially the English and Scotch. In these latter we see frequently not only divine justice, but even worldly retribution, taking place. Lamkin and his accomplice, the treacherous "nourrice," in the Scotch ballad, are deservedly executed; in the German ballad, the angels sing about Annie's grave, and the ravens croak around the wheel where her murderer is exposed. In another ballad of this nation, we even see an angel descending from Heaven to order the body of the innocently murdered youth to be buried. The same feeling is also manifested in the prevalence of the popular belief, that trees or flowers, planted on graves, are animated by the souls of the dead buried therein. And here we meet with a striking point of coincidence even in an Afghaun tale. Every reader knows the conclusion of Fair Margaret and Sweet William:

> "Margaret was buried in the low chancèl,
> And William in the higher;
> Out of her breast there sprung a rose,
> And out of his a briar.
>
> "They grew as high as the church top,
> Till they could grow no higher;
> And there they grew in a true lover's knot,
> Made all the folks admire."

* Bowring's Translation.

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The same conclusion with some slight variation, is common to "Lord Thomas and Fair Anet," to "the Douglas Tragedy," and to nine or ten other English and Scotch ballads. The same idea is introduced in a more simple and natural way in a Servian ballad. The lovers are buried side by side, their hands are clasped through the intervening earth; and the pine and the rose tree, planted on their graves, interweave their branches. The conclusion of a popular Afghaun love tale, Adam and Doorkanee, exhibits the same thought with still more strength. The Afghaun lovers are buried far from each other; but their bodies are found to have met in one grave, and the two trees which spring from their remains mingle their boughs over it.

Our limits do not permit us to expand these observations in their full extent. We must be satisfied for the present to direct the attention of our readers to the affinity of the Scandinavian and German popular poetry with each other; without undertaking a comparative view of the English and Scotch, so nearly related to it; or the poetical productions of the Celtic race, which would be found necessary to the full understanding of the former.

To avoid misapprehension, we will state here in few words, what we wish to have understood as the proper subject of our inquiries on Popular Poetry.

We do not mean *national* poetry. The whole poetical literature of a people is, of course, national in a wide sense of the word. In a narrow sense, we consider those productions chiefly as national poetry, which have developed themselves principally out of the qualities and condition of the nations themselves, to which the poets respectively belong; and have grown up in their own bosom without predominant foreign influence. The royal Psalmist, Shakspeare, Calderon and Goethe, are true national poets. In no other land but their own could the divine seed have shot up into such plants. No nation but their own could have produced them *just as they are.*

Again, we do not understand by popular poetry all the poetry which is read and sung by the common people, nor even all that portion of it which has exercised a decided influence upon them. Else we should have to name the Bible first; since its poetical sentences and psalms are read and remembered by the common people of protestant countries more than

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any other kind of poetry. Then, too, we must adduce many spiritual hymns, and also many secular songs, mostly of a social character, the productions of popular writers of the higher classes, but sung by all classes of the people; but still given to them, not produced by them. We should have also to include the many Italian, and especially German opera songs, which, indeed, owe their popularity chiefly to their tunes, but which have now spread over all the world, civilized and uncivilized; and in the cities of Italy and Germany have superseded the old popular ballads and songs. There is hardly an individual in Germany, who does not know by heart the Hunter's Chorus, from Weber's *Freyschütz;* and we learned as a fact, a year or two after the appearance of this opera, that the negro slaves of the West Indies were accustomed to sing the wedding song, and to draw up vessels to the shore after the tact of "Schöner, grüner Jungfernkranz." Although all such songs must be called *popular* in a different sense of the word, they must be excluded from the present examination.

But we have done with describing what we do *not* wish to have understood as being our present subject. By *Popular Poetry*, whether it bear the form of songs, ballads, dramas, or any other, we mean only those productions, existing now or formerly, which *proceed from* the common people, and *operate on* the common people; the blossoms of popular life, born and nurtured under the care of the people, cherished by their joys, and watered by their tears; and as such eminently characteristic of the *great mass* of the nation and its condition. Although no one can expect to find in them a full portrait of a people, yet they never fail to present some of the most striking features.

And it is in this respect that we have especially the nations in view as they are at present; considering the past only in its reference to the present time. Let us see how much of the poetical feeling is left, which, with its creative power, once pervaded all the nations of Europe. Let us not search the libraries which contain the treasures of their literature; let us observe the people themselves in their domestic relations. Let us see what blossoms the trees bear, with which the poor man surrounds his hut; with what fragrant, soul-refreshing flowers the grain is interspersed, which secures to him his physical sustenance. Let us listen to the low voices of nature which so unconsciously utter the sweetest, nay, often the most solemn accents. This very *unconsciousness* is often one of the most characteristic features of popular poetry, and one of its greatest

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charms. The Servians, when asked by their more refined friends at Vienna to recite before company some of their beautiful popular epics, were ashamed and almost hurt; and so strong was the suspicion, that they were thus entreated merely to cast ridicule on them, that they could be induced only with difficulty to comply with the request.

The close family connexion between the different branches of the Teutonic stock, is very strongly manifested in their common traditions, and in their respective poetry; although each of them is distinguished by national features of its own. A long chain of fictions once wound itself through the ancient northern world, whose now broken links lie scattered over those regions; but the thinking inquirer may easily recognise that they were once connected, and may often discover where they formerly were joined. Of the original poetry of the various Teutonic races, which, five or six centuries after the Christian era, inundated all Europe, we know little more, than that they were still the same people, who, as Tacitus tells us, although fond of poetry and song, used even their voices as instruments to frighten their enemies; and whose songs Julian the Apostate compares to the wild cries of the birds. Meanwhile poetry unfolded itself in all its glory among their brethren, the Scandinavian races. We scarcely see, in the third century after Christ, Odin and his Goths appear in the North, when the Skalds emerge from the night of the past; skilful, elaborate, initiated bards, of whom we know not from what Asiatic fountain they drew their wisdom and skill. But the poetry of the Skalds, although of a purely national character, and apparently born and nursed in the bosom of their own race, can strictly, nevertheless, not be considered as *popular poetry*, according to the definition we have given above. The earliest effusions of the Skalds or northern singers, were doubtless of this character; and several epic songs of the Edda bear, in their perfect simplicity, distinctly the stamp of genuine popular poetry, e. g. the ancient Quern Song, *Grotta Saungr*, printed with a literal translation in Mr. Jamieson's Northern Antiquities. The authors of these songs are unknown, as is the case with nearly all popular poetry. The antithesis between the poetry of nature and the poetry of art, in the case of the ancient northern songs, has been denied by an eminent Danish scholar.* He

* E. P. Müller.

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attempts to maintain that among the ancient Scandinavians each person was a Skald, that is, a poet, according to his talent, artificial or simple, just as his genius inspired him. But it is difficult to disprove what history has made evident in various ways, and what is still more clearly proved by the nature of the thing itself. The Skalds, who united in themselves the functions of the historiographer and of the poet, formed a distinct and highly honored class. They were the interpreters of the gods, the ambassadors of kings; not the organs of the people. Skaldic poetry was a regular art and science. How difficult it was merely to understand many of their verses; with what a high degree of skill the Skalds knew how to entangle their words and thoughts, so that they became entirely unintelligible to the uninitiated,—as Mallet supposes, with the express purpose to make their art appear more venerable to the common people,*—the reader, who has not studied the matter, can hardly form any idea. Perhaps we cannot introduce our subject better, than by giving here a single specimen of Skaldic *art*. No stronger contrast, indeed, could be offered to the plainness and rude simplicity of the real popular ballads, of which we are hereafter to speak. "Popular poetry," observes the distinguished German Scholar, W. Grimm, in comparing the rude ancient Danish ballads with the more elaborate songs of the Skalds, "popular poetry lives still in the state of innocence; she is naked, without ornament, bearing in herself the image of God. Art has arrived at consciousness; she has no longer the courage to represent things as they are; she must dress them up."†

The following curious stanzas have been preserved by Stephan Stephanius in the notes to his edition of Saxo Grammaticus.

1. "Haki Kraki hoddum broddum
Saerdi naerdi seggi leggi
Veiter neiter vella pella
Bali stali beittist heittist.

2. Haki Kraki hamde framde
Geirum eirum gotna flotna
Hreiter neiter hodda brodda
Brendist endist bale stale."

* Introduction à l'Histoire de Danemarc.

† Preface to his translation of "Altdänische Heldenlieder"

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To give a sense and meaning to these verses, they must be arranged as follows; the words in the two lines of each couplet being taken alternately, in a regular, though intricate and varying order:

1. "Haki broddum saerdi leggi,
Kraki hoddum naerdi seggi,
Veiterpella bali heittist,
Neiter vella stali beittist.

2. Haki hamde geirum gotna,
Kraki framde eirum flotna,
Neiter brodda endist stale
Hreiter hodda brendist bale."

The reader may observe that in both these ways of reading, the arrangement of the second verse is very different from that of the first. The sense of the song is no less artificial than the form; it is a succession of antitheses: 1. "Hakon has wounded the limbs with points (of weapons), Krake has delighted the men with money; the giver of the silk dresses has been devoured by the flames; the gold-enjoying king has been wounded with the steel." 2. "Hakon has tamed the men with spears; Krake enriched the mariners with gold; the carrier of the pointed steel perished by the steel; the scatterer of gold by fire."

The Scandinavian poets possessed no less than one hundred and thirty-six different forms of verse for their songs; most of them equally artificial. We need however hardly mention, that the really high value of the Scandinavian poetry is entirely independent of the strange *ars poetica* contained in the *Skalda**. Its fables and legends are spread over all the Teutonic north; nay, its flowers have unfolded themselves in various forms, and through different centuries, in all the regions where the Northmen carried their victorious arms. There is also no doubt that previously and cotemporary with the artificial songs of the initiated bards, popular songs existed in the Scandinavian language, which were partly devoted to the same subjects. Some are preserved in the Edda†; some, although in an altered form, in the ancient Swedish and Danish ballads of which we shall speak in the sequel. They passed into these two languages gradually as these latter formed

* The *Skalda* is the third part of the second Edda, which contains in alphabetic order, the poetical phrases of the former volumes.

† See p. 275.

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themselves from their mother tongue ; while with the grandeur and the glory of the Icelanders, the only nation who remained in the possession of the original idiom, they gradually perished in their original shape. In Iceland, no trace is any longer to be found of them, with the exception of the portion contained in the ancient written *Sagas*.

How much these venerable relics of antiquity are respected and loved by the present Icelandic peasantry, is generally known. Their usual evening reading during the long nights of their almost everlasting winters, consists of some old Saga, or such other histories as are to be obtained on their island. Dr. Henderson in his valuable work on Iceland, (page 357,) gives a most delightful description of such an Icelandic winter-evening, when the great lamp is lighted, and all the family assemble to sit down to some useful work ; and the head of the family, or another intelligent member, advances to the seat near the lamp, and commences the reading, which is frequently interrupted by remarks and explanations for the benefit of the children and servants. "In some houses," this writer adds, "the Sagas are repeated by such as have got them by heart ; and instances are not uncommon of itinerating historians, who gain a livelihood during the winter by staying at different farms till they have exhausted their stock of literary knowledge. — The custom just described appears to have existed among the Scandinavians from time immemorial. The person chosen as reciter was called *Thulr*, and was always celebrated for his knowledge of past events, and the dignity and pathos with which he related them." The joyful and generous interest which even the poorest of the poor inhabitants of Iceland have manifested in the undertaking of the Society at Copenhagen, which is about to publish their national relics, proves better than any thing which can be said, that the present population of that island is no degenerate race.

The connexion between the Teutonic nations is strikingly proved by their common superstitions ; and the same tie unites them intimately with the remnants of the Celtic race. And here we must remark, that the frequent appearances of supernatural beings, and their lively interest in human affairs, is one of the principal marks of distinction between the popular poetry of the Celtic and Teutonic nations on the one side, and the Slavic and South-western nations on the other. Not that spirits are excluded

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from the latter; but the relation to the other world is more seldom brought into view, and is *almost* exclusively confined to nursery tales. Throughout all Great Britain and its neighboring islands, throughout all the three Scandinavian empires, and throughout all Germany, the belief in a class of spirits of a diminutive size and forming a race by themselves, has been from ancient times disseminated among the people, and still partially exists. These spirits were in English usually called Elf, plural Elves, later Fairies; in the ancient northern language *âlfr*, plur. *âlfar;* in old German *Elbe*, in modern German *Elfe;* in Swedish *elf*, plur. *elfar*, *elfvor;* in Danish *elv*, plur. *elve;* in Gaelic and Irish *Doane-shi* and *Shefro*, i. e. the good, the peaceful people. These all have their origin in the earliest times of paganism. The first teachers of Christianity did not succeed in eradicating the belief in them; but by representing them as the offspring of hell and instruments of the fiend, they impressed a character of gloom upon this superstition, which originally it had not. The mysterious and contradictory qualities of the elves may in this way be accounted for. The Edda indeed distinguishes already two kinds of elves, elves of light and elves of darkness; but only in respect to the different regions of these spirits; one class dwelling in the light of heaven, the other in the caves of the dark earth. In the Christian view the elves became fallen angels, precipitated from heaven because they suffered themselves to be seduced by the devil; but not fallen deep enough to reach hell, and spellbound to the earth and the other elements. Thence their twofold and contradictory relation to man; now, in remembrance of their original light, beneficent and kind; then, influenced by their seducer, malignant and destroying. Thence also their anxiety and fear in respect to their own futurity, and their uncertainty about their lot at the last day. Hence their endeavor to substitute beings of their own race for children; in order thus by a mental and physical admixture with the *redeemed* race, to regain a *soul*. Hence the sensitiveness, which drives them to rage when they see themselves considered by men as the offspring of hell; and their gratitude when permitted to join in the prayers of men; although they have seldom the courage to do so, or if they do, are accustomed to omit passages, or to murmur some words indistinctly, and to shew themselves especially timid before clergymen and near churches. All the elementary spirits of the northern

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nations, water-nymphs, mountain-spirits, or those of the domestic range, participate in the same character, modified according to their situation, and especially according to the fancy of the narrator. Few of them appear as decidedly good or bad; they are good to those they love, and bad to those they hate; but always intrusive and intermeddling, mischievous and peevish.

This world of spirits never has been a regular system. It never has been more than the fanciful creation of a wild popular imagination, without internal connexion and consistency, and full of contradictions in itself, and still more with an enlightened religion. But who can deny that the belief in a multiplicity of mysterious beings, who surround men, who are endowed with a supernatural though limited power, who suffer and rejoice with men, — who can deny that such a belief gives an enlivening breath to dead reality? The march of intellect, and above all the diffusion of knowledge, which honorably characterizes the last half century, have nearly overturned the throne of this superstition, and we are far from regretting it. But wherever its ruins are still extant, they serve to give a peculiar poetical charm to the whole region.

But independently of these common superstitions, there is a great number of themes of popular ballads and tales, which several centuries ago were equally familiar to all these nations; and it is no inconsiderable number which are so even at present. After the final close of the great migrations of the nations, little intercourse took place between them until the Crusades caused a new movement. The influence of the latter, however important it may have been in other respects, can come little under consideration in respect to our present question. It may, therefore, justly be assumed, that those traditions, which we find in the middle ages extended over the whole North, partly originated before the Teutonic stock was ramified into its various branches; and partly were handed over to the different nations during the great migrations, which shook for whole centuries both Europe and Asia, and were not without influence on the two other portions of the world. To Great Britain they were carried by the Saxons and Danes; and in Scotland became amalgamated with the traditions of the older possessors of the country, which were probably derived by a previous overflowing from the same great source. In several of the stories preserved in the Icelandic Sagas, the German

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origin is evident; the exploits of the heroes common to the Edda, to the Heimskringla and to the German *cyclus* of heroic traditions, were sung at the same time by the northern pirates, and by the Teutonic conquerors of Italy. The brother, who in order to find his lost sister, wanders through the world, and descends even into the deep sea, where the sister shelters him from the rage of the sea-monster, is the hero of certain popular ballads and tales, in at least four different languages, and in perhaps ten times as many different provincial dialects. The beautiful ballad, called in German "Edelkönigskinder," in Swedish "Konungabarnen," is extant in several German and in as many Scandinavian versions. Of the German ballad, "The Castle in Austria," there exist an old Danish and a Swedish version, printed as early as 1600. The Scottish "Frog-lover" is the "Froschkönig" of one of the most ancient German tales. Jack the Giant-killer and Tom Thumb are the heroes of Scandinavian, German and English nurseries. The old Danish ballad, "Skön Anna," exists in no less than three varying versions in Scotland, where it is known chiefly by the initial verse, "Who will bake my bridal bread," &c. The tradition of the harp made of the bones of a maid secretly murdered and strung with her hair, which sounds of itself and thus discovers the crime, exists in Swedish and Scottish ballads, and in one sung on the Feroe Islands, communicated by Rask. The same legend, in its principal features, is also the theme of a German nursery tale. The subject of Bürger's celebrated "Lenore," is equally familiar to all the Teutonic nations. The German poet founded his romance on a popular ballad, which he heard accidentally sung in an adjoining room. The Danish "Aage and Else," and another ballad in this language, have the same subject; and "Sweet William's Ghost," was founded on "The Suffolk Miracle, or a relation of a young man, who, a month after his death, appeared to his sweetheart, and carried her on horseback behind him for forty miles, in two hours, and was never seen after but in his grave."*

It would be easy to point out a great many other cases of remarkable coincidence. Rhymes apparently without meaning, interwoven in the games of the children in England, or fragmentary verses sung in all the nurseries of the United Kingdom, are often found in Germany in a more perfect form,

* Monthly Magazine, Sept. 1796.

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and become intelligible as parts of some popular ballad. An incoherent German ballad finds its explanation in a Scotch or Gaelic tale; or a tradition preserved in the Scandinavian North, throws light upon a dark passage of an ancient Scotch ballad.*

A considerable number of fairy legends and popular tales, collected within the last twenty years by Danish and Swedish scholars, still pass from lip to lip in those countries, and were even till recently principally preserved by oral means. But to ascertain how much the *belief* in them is still alive, would require an examination on the spot, which has never been permitted us. It may be supposed, that while on the flat green islands of enlightened and prosaic Denmark, and in the south of the more populous Scandinavian peninsula, they form mere amusements for long winter evenings, there are regions in the mountainous solitudes of the North, where still reigns the full and unshaken faith, which indeed is alone able to give soul and breath to most of these popular tales. The inhabitants of the lonely Feroe and Shetland islands, are said to live still in constant intercourse with a world of spirits; and the different superstitions of the Scandinavian and the Gaelic races are wonderfully amalgamated in their traditions.

I. The rich treasure of Old *Danish* popular poetry is probably known to most of our readers only by reputation. The grand, nay, gigantic character of these ballads, must necessarily have rendered the merely heroic portion of them strange to the tame generation of the present age. But we are glad to hear that some of the more domestic, but yet equally romantic class, are still sung by the people; not in the Danish cities, and even not among the peasantry of Germanized Zealand; but in the remoter parts of the kingdom, or in the valleys of Norway, where less intercourse with foreign nations has preserved a purer nationality.

And what a powerful and vigorous race must it have been, among whom these heroic ballads could ever be *popular* poetry! What a race, whose imagination was not overwhelmed by the gigantic, the amazing power of these scenes! A portion of these ballads had indeed already ceased to live in the memories of the people in 1591, when they were first col-

* For other instances of remarkable coincidence, see J. Grimm's Introduction to his Translation of the Fairy Legends of Ireland; W. Grimm's Preface and Appendix to his Translation of Old Danish Ballads; Danske Viser; Svenske Folkvisor; Jamieson's Northern Antiquities, &c. &c.

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lected and printed ; and the learned publisher had even then to consult old manuscripts. Another hundred of them, however, which were added a century later, could even then be written down from the very lips of the people.* The most modern of these songs, according to the best judges of the language, are not later than the fifteenth century ; the oldest not older than the thirteenth century. This of course can only be applicable to their present form, i. e. the external *form* of these ballads, or the shell. The *soul*, the kernel itself, we mean the subject and its poetical conception, existed undoubtedly much earlier. "The Sun of Homer," observes a distinguished German scholar, in maintaining this opinion, "has scattered his gems also over these icy mountains, over these frosted valleys! The existence of the Scandinavians was divided between a life, wild, warlike, and full of action, which in early times consisted mostly of piratical adventures, undertaken in order to gain a livelihood, or of excursions against their neighbors, in order to subject them to tributary vassalage ; and days of idleness and perfect rest. To enjoy, during these intervals, the luxuries and easy pleasures of life, was denied them by a rough climate ; during the long and gloomy winter nights they had leisure to give themselves up to meditations on the exploits of their ancestors. Thence their wealth in epic poetry, and in compositions undoubtedly among the most profound and most powerful which ever have been produced by the human mind. They all have something primitive, something rude ; the form is often entirely neglected, harsh and stern ; but they all have the vigor and the strength of youthful life, unrestrained and untamed, that despises all external rules and ornaments." †

And how imposing is this rude and naked nature! Without introduction, without explanation, the hearer finds himself in the very centre of the action. Depending on the power of his subject, the artless poet often announces the issue in the first lines. The words fall sharp, like the strokes of the sword ; heavy, like the hammer on the anvil ; and each word is a deed.

* The "Danske Kjämpe Viser," containing one hundred heroic ballads, was published in 1591, by Andrew Wedel Soeffrensen, the friend of Tycho Brahe, and dedicated to Queen Sophia of Denmark. In 1695 the work was republished, and another century of ballads added, by Peter Syv, and likewise presented to Amelia then Queen of Denmark.

† Preface to W. Grimm's "Altdänische Heldenlieder." We translate from memory.

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Nothing is said but what is most necessary; and even here much is left to the imagination. We see ourselves transported from one realm to another; from the strand of the sea to the summit of the mountain; from the subterranean cave of the witch to the bower of the noble maiden; without even an intimation. No description; no lyric effusion; action stands close to action; and even the final result is omitted, because it follows of course. A misty veil covers the sides of the mountains, and the valleys between, while only the summits are lighted up by the sun; and we are left to trace the landscape by its principal outlines.

The mental features of the heroes also, in their wonderful power, are drawn only by a few bold strokes of the pencil. They are the immediate descendants of the gods of the North; themselves still a giant race, to which the diminutive measure of our own feelings must not be applied. Enormous in mind, in purpose, and in action, we see them performing deeds, which it seems to us only madness could have dictated. Their anger is rage; their love a devouring flame; blood only can quench their thirst for vengeance; and where even their own giant strength does not suffice, the dark powers of a subterranean world are invoked, and are often present with them in unison or in conflict.

Most of these remarks hold good also as to another class of the Danish popular ballads, which the modern collectors have brought together under the title of Romances and Ballads.* Although moving likewise in a region of romance and magic enchantment, they are brought nearer to the human heart by a picture of more human feelings, with an admixture of just as much ancient heroism as we are still able to comprehend and to admire. In general, less sketch-like than the older historical songs, they are distinguished by the same powerful conciseness, far from the minute diffuseness which is so tedious in the great mass of the English ballads. Many of them are of the most exquisite beauty, and belong to the gems of literature. In the tissue of a rude and gloomy period, we see pictures interwoven of the most delicate texture, and gold threads winding themselves even through the coarsest ground. In one of these ballads, founded on a very ancient tradition, familiar to all the Scandinavian North, Hagbar the hero will

* See Danske Viser, etc.

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rather die, than tear in pieces the hair of Signilde, with which treacherous hands have bound him. In another ancient ballad, the power of maternal love breaks even the laws of nature. Nothing can surpass the energetic and tender *naiveté* of the idea, where the mother in her grave hears her children cry from the ill treatment of their step-mother, and by her intreaties induces the Lord to let her go to soothe them:

"'T was long in the night, and the bairnies grat;
Their mither she under the mools [mould] heard that.

That heard the wife under the eard that lay:
Forsooth maun I to my bairnies gae!

That wife can stand up at our Lord's knee;
And: May I gang and my bairnies see?

She prigged [prayed] sae sair, and she prigged sae lang,
That he, at the last, gae her leave to gang."*

In a Swedish ballad, with the burden: "At Rimstead Queen Anna lies buried," which we darkly recollect to have heard in our childhood, a trait of *naive* moral purity occurs, which we never could forget. Queen Anna on her death-bed makes her confession; and being inquired of as to her sins, after having examined herself, she answers:

"Nought have I to confess of wrong,
Save that once my white silk ruff
I starched upon a Sunday's morn."

The following beautiful ballad may serve as a specimen of the Danish popular poetry. We have chosen it, because it is one of which we positively know, that it is still, or was at least towards the close of the last century, sung by the common people in Jutland and in Faroë, in two or three slightly varying versions. It exists also in Swedish with some alterations.†

* From Jamieson's Translation; printed in the Notes to the Lady of the Lake, at least in the early editions.

† In respect to our attempts at translation in this and all the specimens given in this article, we must remark, that the verses of the originals are in general so rough, the measures so irregular, and the rhymes so imperfect, that any approach to elegance would have essentially impaired the *fidelity* of the translation. Indeed, fidelity is the only merit to which we can lay claim.

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LITTLE CHRISTIN'S DEATH, OR THE BODING NIGHTINGALES.*

"Sir Médel at court of the king served he,
He loved the king's daughter, that fair lady.

The queen called her daughter, and thus said she:
And is it true what they say about thee?

Then shall he hang on a gallows so high
And below in a bonfire thou shalt die!

And her mantle blue little Christin put on;
To see Sir Médel at night she is gone.

Little Christin, with sorrowful heart went she:
Rise up, Sir Médel and open to me.

To enter here I gave none the right,
And none will I let in here at night.

Rise up, Sir Médel, and let me in,
I've spoken but now with my mother the queen.

She saith, thou shalt hang on the gallows so high.
And below in a bonfire I shall die.

No, neither shall I be hung for thee,
Sweet love, nor shalt thou be burnt for me.

Now gather the gold in the chest with speed,
While I go and saddle my own grey steed.

And his blue mantle he's over her thrown,
And to his grey steed he's lifted her on.

And when from the town they came to the grove,
She turns her eyes to the clouds above.

Seems then for thee the way too wide?
Or hurts thee the saddle on which thou dost ride?

O no! the way it seems not too wide,
But hurts me the saddle on which I ride.

His mantle blue he spreads on the ground;
List here, little Christin, to lay thee down.

O Christ, that one of my maids was with me,
Before I die, my nurse to be!

* We prefer this ballad in the form in which it was first printed in the Danish Spectator, 1793; and after this in Graeters' Bragur, Vol. III. 292. Nor do we see why it should be less genuine merely because the beginning is more decent, or the end more tragic, than in the other versions.

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Thy maids they all are far from thee,
And thou hast no one near but me!

O rather here on the ground I 'll die,
Than a man a woman's pain shall spy.

A kerchief bind o'er my eyes and head,
And I 'll be to thee in the nurse's stead.

O Christ, that there was some water near,
My panting heart therewith to cheer!

Sir Médel he loved her so warm and true,
He went to fetch water in his silver-bound shoe.

And when through the bushy greenwood he went,
The way to the well seemed never to end.

And when to the well he came from the grove,
Two nightingales sung in the boughs above:

Little Christin she lies in the greenwood dead,
And two dead babes in her lap are laid.

Little he heeds the nightingales' song,
Back to the grove his way seems so long!

But when he came the thick wood among,
There it was true what the nightingales sung!

A grave both deep and broad dug he,
And there together he laid all three.

And when he stood on the grave so deep,
He thought 'neath his feet his babes did weep.

He leaned his sword against a stone,
And right through his heart the point is gone.

Little Christin she loved him so true and deep,
And now with him in the earth doth sleep."

Whether the following fairy ballad can still be called *popular* among any class in Denmark, we are unable to say; although a friend of ours states that he heard it sung by a girl who was not likely to have taken it from the Kjämpe Viser, or the Danske Viser. We give it here as one of the best specimens of the incomparable beauty of these ancient ballads; and at the same time as peculiarly expressive of the magic charm the elves used to exercise.

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ELFHILL-SIDE.

"I laid my head on Elf hill-side,
My eyes they sunk to sleep;
There came two maidens tripping along,
They fain with me would speak.

One patted me on my cheek so white,
The other she whispered to me:
Rise up, rise up, thou fair young swain,
And join our dance and glee!

Wake up, thou fair young swain, wake up,
And join our dance and glee;
My maidens shall sing, if thou wilt hear,
Their sweetest melody.

The one began a song to sing,
Of all the fairest one;
The striving stream stood still thereby,
That before so swiftly ran.

The striving stream stood still thereby,
That before so swiftly ran;
The little fishes in the flood
With their fins to play began.

The fishes in the flood began
With their fins and tails to play;
The small birds in the greenwood all
They chirped their sweetest lay.

And hear, thou fair young swain, and hear,
And wilt thou with us dwell,
Then will we teach thee to read and write,
And powerful rune and spell.

I 'll teach thee how the bear to bind
And the boar to the oak tree;
The dragon that lies on the gold so bright,
'Fore thee from the land shall flee!

And they danced out and they danced in,
All elvish in look and mien;
There sat the fair young swain all still,
And on his sword did lean.

And hear thou, hear thou, fair young swain,
Wilt thou not with us speak,
Then shall our sword and knife so sharp
With thy dearest heart-blood reek!

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Had God not made it my good luck,
That the cock then clapp'd his wing,
I should have staid on Elfhill-side,
With the Elves in their dwelling.

Herewith I warn the Danish youths all,
Who to the court do ride,
That never they ride this way at eve,
Nor sleep on Elfhill-side."

II. The *Swedish* popular poetry is in body and spirit so very nearly related to the Danish, that we must confess our inability, with our limited knowledge of it, to discover their distinguishing features. More than two thirds of the ballads of these two nations, are possessed by them in common, often with very few deviations; and to ascertain which is the original, would be impossible. The scenes of several, now known only in Danish, are in Sweden; still more of the Swedish lay the scene in Denmark. The most ancient of the Swedish popular ballads, those of the heroes of the Nibelungen and their cotemporaries, exist even in this language only in manuscript or in print; but a great variety of heroic ballads, a little more modern, live still on the lips of the people; and the publishers of the very rich collection, the title of which stands at the head of this article,* and which appeared about twenty years ago, were able to draw almost exclusively from living sources. "The peasantry of Sweden," Mr. Jamieson remarks,† "are great singers; and, if possible, are more attached to old ballads, and the airs to which they are sung, than even the Lowland Scots; to whom, in their language, habits, characters, and appearance, they bear a most striking resemblance." The ancient ballads still current among the Swedish peasantry, are at least not later than the fourteenth century; although in subject and essence, some of them are undoubtedly much older. That they cannot be later, one of the editors of the above-mentioned collection, the poet and scholar Geijer, has proved from internal grounds. During the fourteenth century, a state of hostile feeling arose in Sweden between the nobility and people, which has never since disappeared; but of which there is no trace in these ballads. The people sang in them

* Svenske Folkvisor, etc. This collection is confined to East and West Gothland, Wermland, Upland and Smaaland. Another, made by Arvidson, was announced in 1833.

† Northern Antiquities, p. 372.

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the adventures and the exploits of the nobles; whom they did not yet consider as their oppressors, but as the flower and the honor of the nation. There is, moreover, in these songs not a vestige of the national hatred between the Swedes, Danes and Norwegians; which likewise did not spring up until towards the close of the fourteenth century, coëval with the unhappy union of Calmar. Up to that time, the three nations, although separated and under different governments, evidently considered themselves as one race. After that time, their popular poetry is said to have assumed quite a different character.

The Swedes have been rich in popular productions in every age. The collection in question contains several modern popular ballads of uncommon beauty. In respect to form, the Swedish ballads, although in general very similar to the Danish, have more variety and completeness in their measures. The burden also is frequently full of meaning, and is for the most part preserved, while in many Danish ballads, it seems to be lost; the reason of which difference may be, that the former are always *sung*, while the latter have long since been more read than sung.

We have already stated, that the Danes and Swedes possess the greatest portion of their popular ballads in common. But it frequently happens, that what is ascribed in Denmark to the Merman, is in Sweden related of a mountain *Troll;* and the more poetical nature of their country has created among the Swedish people many *local* traditions, attached to hills and mountains, which the Danes do not know. Arndt's interesting journey through Sweden, contains much valuable information on this subject. The magic attraction of the waters, and the mysterious riddles of the mountains and mines, are as powerfully felt by the Scandinavian nations, as by the Germans; and also, as with these, the mirror of their imagination reflects this feeling in the shape of Water-sprites and Mountain-dwarfs. The German Water-sprites, or *Nixen*, are, for the most part, females; the Swedish *Necken* belongs often to the male sex. The *Strömkarle* is an old bearded man, who plays the harp to the dances of the Elves. In a Swedish nursery tale, two children play on the bank of a river; a water-sprite, (Swedish *Necken*, German *Nix*) rises from the water and sings and plays. But the children in sportive mischievousness, cry out: "Why do you play and sing, Sprite? you cannot be saved after all." The

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sprite, hearing this, casts away his harp, cries bitterly, and descends into the deep. The children tell their father at home what has happened. The father then bids them go back, to comfort the sprite, and to tell him that also his Redeemer liveth. The children run to the river, and find the Sprite sitting on the waters, and still weeping. "Be comforted, Sprite," they cry, "Father says that also your Redeemer liveth." The sprite then resumes his harp, and begins to play again most cheerfully; because he now knows that his soul will not perish.*

The following ballad will enable the reader to compare Danish and Swedish traditions. It is extant in Sweden, in several varying versions, mostly only fragmentary. The bewitching power of the Elves here manifested, is in other ballads ascribed to female water-sprites; and the same adventure which here happens to the young swain at the evening hour, happens to others at day-break, but never later than the dawn.

ROSEGROVE-SIDE.†

"I was a fair young swain one day,
And had to the court to ride;
I set me out at the evening hour,
And listed to sleep on the Rosegrove-side.
Burden. Since I had seen them first!

I laid me under a linden green,
My eyes they sunk to sleep;
There came two maidens tripping along,
They fain with me would speak.
Since I, etc.

The one she patted me on my cheek,
The other she whisper'd in my ear:
Rise up, rise up, thou fair young swain,
If of love thou list to hear!
Since I, etc.

And forth they led a maiden fair,
And hair like gold had she:
Rise up, rise up, thou fair young swain,
If thou lovest joy and glee!
Since I, etc.

* Svenske Folkvisor, Vol. III. p. 128.

† The same with the Danish Elf hill-side, on page 288. The same burden is sung also with the Danish ballad.

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The third began a song to sing,
With right good-will she begun;
The striving stream stood still thereby,
That before was wont to run.
Since I, etc.

The striving stream stood still thereby,
That before was wont to run;
And all the hinds with hair so brown,
Forgot which way to turn.
Since I, etc.

I got me up from off the ground,
And on my sword did lean;
The maiden Elves danced out and in,
All elvish in look in mien.
Since I, etc.

Had it not then my good luck been,
That the cock had clap'd his wing;
I should have slept in the hill that night,
With the Elves in their dwelling.
Since I had seen them first."

The traditions respecting Sir Olof's unfortunate meeting with the Elves, the morning before his bridal day, are also current in both countries. They are more perfect in Danish, but more generally diffused and more varied in different versions, in Swedish; the natural consequence of their being preserved in Sweden down to our own times chiefly in the mouths of the people, or in their older form in manuscripts deposited in the royal libraries, while in Denmark they were centuries ago multiplied in print, and ceased from that time to be exposed to arbitrary or accidental changes. We give here one of these melancholy ballads, as it is still sung in Upland and East Gothland. The collection from which it is taken contains another version, sung in the latter province; and a third, preserved in the royal library. It is probable that many more exist.

SIR OLOF'S BRIDAL.

"Sir Olof rode out at the break of day;
There he came to an Elf-dance gay.
The dance it goes well,
So well in the grove!

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The Elf-father, his white hand outstretch'd he;
Come, come, Sir Olof, and dance with me!
The dance, etc.

Nought can I dance, and nought I may;
To-morrow is my bridal day.
The dance, etc.

The Elf-mother, her white hand outstretch'd she;
Come, come, Sir Olof, and dance with me!
The dance, etc.

Nought can I dance, and nought I may;
To-morrow is my bridal day.
The dance, etc.

The Elf-sister, her white hand outstretch'd she;
Come, come, Sir Olof, and dance with me!
The dance, etc.

Nought can I dance and nought I may
To-morrow is my bridal day.
The dance, etc.

And the bride she spoke to her bridemaids so:
What may it mean that the bells do go?
The dance, etc.

It is the custom on this our isle,
Each young swain ringeth home his bride.
The dance, etc.

And the truth from thee we no longer conceal;
Sir Olof is dead and lies on his bier.
The dance, etc.

Next morning when uprose the day,
In Sir Olof's house three corpses lay.
The dance, etc.

They were Sir Olof and his bride,
And his mother who of sorrow died!
The dance it goes well,
So well in the grove!"

The historical fact, on which this tragic tradition is founded, is unknown. But it is not unfrequent that elvish traditions are attached to well known historical persons; and unfortunate events are ascribed to the influence of subterranean powers. One of the sons of Gustavus I, Duke Magnus, died in mental

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derangement. He was said to be *bewitched*, some said by an elf-maid, some by a water-nymph, because he refused her love. Two or three ballads relating to this subject, are still sung in Smaaland and East Gothland. As our readers have seen by the two preceding ballads, how Swedish elves behave, we will now introduce to them a Swedish water-nymph or *Hafstroll.*

DUKE MAGNUS.

"Duke Magnus look'd out from his castle-windów,
How the stream so rapidly ran;
There he saw how there sat on the foaming stream,
A fair and lovely womán:
Duke Magnus, Duke Magnus, betroth thee to me,
I pray thee now so freely;
Say me not nay, but yes, say yes!

And I will give thee a travelling ship,
The best that knight e'er did guide,
That sails on the water and sails on the land,
And through the fields so wide.
Duke Magnus, Duke Magnus, betroth thee to me,
I pray thee now so freely;
O say me not nay, but yes, say yes!

I have not yet come to quiet and rest,
How should I betroth me to thee?
I serve my king and my country,
But to woman I 've not yet matched me.
Duke Magnus, Duke Magnus, betroth thee to me,
I pray thee now so freely;
O say me not nay, but yes, say yes!

And I will give thee a steed so grey,
The best that knight e'er did ride,
That goes on the water and goes on the land,
And through the woods so wide.
Duke Magnus, Duke Magnus, betroth thee to me,
I pray thee now so freely;
O say me not nay, but yes, say yes!

I am a king's son so good,
How can I let thee win me?
Thou dwell'st not on land but on the flood,
Which would never with me agree!
Duke Magnus, Duke Magnus, betroth thee to me,
I pray thee now so freely;
O say me not nay, but yes, say yes!

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And I will give thee so much gold,
As much as can ever be found;
And stones and pearls by the handfull,
And all from the sea's deep ground.
Duke Magnus, Duke Magnus, betroth thee to me,
I pray thee now so freely;
O say me not nay, but yes, say yes!

O fain I would betroth me to thee,
Wert thou of Christian kind;
But thou art only a vile sea-sprite,
My love thou never canst win.
Duke Magnus, Duke Magnus, betroth thee to me,
I pray thee now so freely;
O say me not nay, but yes, say yes!

Duke Magnus, Duke Magnus, bethink thee well,
Speak not to me so scornfully!
For if thou wilt not betroth thee to me
Then crazed shalt thou for ever be!
Duke Magnus, Duke Magnus, betroth thee to me,
I pray thee now so freely;
O say me not nay, but yes, say yes!"

But not always are the dark powers victorious. Christian faith and human skill often overcome their temptations and their influence. They are also very susceptible to the power of music; and may be bribed by it to give up their prey. The following ballad affords one of the numerous instances of the popular belief in the power of music. Traditions of this description could originate only in the imagination of a highly poetical people. The ballad we here communicate, is still sung in West Gothland and Wermland, to a very pleasing and pensive melody.

THE POWER OF THE HARP.

"Little Christin she weeps in her bower all day;
Sir Peter he sports in the yard at play.
My heart's own dear!
Tell me, why dost thou grieve?

Is it saddle or steed that grieveth thee?
Or grieveth that thou 'rt betroth'd to me?
My heart's, etc.

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Not saddle, nor steed is it, that grieveth me;
Nor grieveth that I 'm betroth'd to thee.
My heart's, etc.

Far more I grieve for my fair yellow hair,
That the deep blue waves shall dye it to-day.
My heart's, etc.

Far more I grieve for Ringfalla's waves,
Where both my sisters have found their graves!
My heart's, etc.

When a child, it was foretold to me,
My bridal day should prove heavy to me.
My heart's, etc.

I will bid thy horse to have round shoes,
He shall not stumble on four gold shoes.
My heart's, etc.

Twelve of my courtiers before thee shall ride,
And twelve of my courtiers on either side.
My heart's, etc.

But when they Ringfalla forest came near,
There sported with gilded horns a deer.
My heart's, etc.

And the courtiers to hunt the deer are gone;
Little Christin she must go onward alone.
My heart's, etc.

And when over Ringfalla bridge she goes,
There stumbled her steed on his four gold shoes.
My heart's, etc.

On four gold shoes and gold nails all:
The maid in the rushing stream did fall.
My heart's, etc.

Sir Peter he spoke to his footpage so:
Now swiftly for my golden harp go!
My heart's, etc.

The first stroke on the gold harp he gave,
The foul ugly sprite sat and laugh'd on the wave.
My heart's, etc.

Once more the gold harp gave a sound;
The foul ugly sprite sat and wept on the ground.
My heart's, etc.

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The third stroke on the gold harp rang ;
Little Christin reach'd out her snow-white arm.
My heart's, etc.

He play'd the bark from off the high trees,
He play'd little Christin upon his knees.
My heart's, etc.

And the sprite himself came out of the flood,
On each of his arms a maiden proud.
My heart's own dear !
Tell me, why dost thou grieve ?

For the sake of variety we conclude our specimens with an ancient ballad of a different character, the composer of which was influenced by Christian feelings ; while the spirit of all the preceding, is the faint and gradually retiring echo of the old Pagan times. The following simple and very ancient tale is extant both in Danish and Swedish ; and indeed is one of the few which is still heard in Denmark. We give it here from the Swedish ; because we like the Swedish copy better, as being more complete, and especially more poetical. As here given, it was taken down in West Gothland ; but it is said to be a favorite piece throughout the whole country, and to be found on every stall.

LITTLE KARIN'S DEATH.

" The little Karin served,
Within the young king's hall ;
She glisten'd like a star,
Among the maidens all.

She glisten'd like a star,
Of all the fairest maid ;
And to the little Karin,
One day the young king said :

And hear thou little Karin,
O say wilt thou be mine ?
Grey steed and golden saddle,
Shall, if thou wilt, be thine.

Grey steed and golden saddle
Would not with me agree ;
Give them to thy young queen,
And leave my honor to me !

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And hear thou little Karin,
O say wilt thou be mine?
My brightest golden crown
Shall, if thou wilt, be thine

Thy brightest golden crown
Would not with me agree;
Give it to thy young queen,
And leave my honor to me!

And hear thou little Karin,
O say wilt thou be mine?
One half of all my kingdom
Shall, if thou wilt, be thine.

One half of all thy kingdom
Would not with me agree;
Give it to thy young queen,
And leave my honor to me!

And hear thou little Karin,
Wilt thou not yield to me,
A cask with spikes all studded
Shall then thy dwelling be.

If a cask with spikes all studded
Shall then my dwelling be,
God's holy angels know full well
That without guilt I be!

They put the little Karin
In the spiked tun within;
And then the king's young servants,
They rolled her in a ring.

And from the high high heaven,
Two snow-white doves there came;
They took the little Karin,
And lo! they three became.

And from the deep deep hell,
Two coal-black ravens came;
They took the wicked king,
And lo! they three became"

We have only to add a few words on the *music* to which the Northern ballads are sung. All popular music is simple. The melodies move with little variation among a few notes; but the impression of the whole is strong and distinct; and

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only the *whole* is the object. While modern composers of ballad-melodies prefer to set each verse to different notes, according to the different character of the words; the tune of a popular song, which is not unfrequently repeated twenty or thirty times without alteration, must only be considered as the *bearer* or support of the *whole*. And as such, it is in general expressive to perfection. A considerable number of the ancient Danish melodies have been preserved; of many other ballads the tunes are lost; and of some, the melodies are extant, while their words have perished, or have only revived in scattered fragments. Peter Syv, the editor of the largely augmented Kjämpe Viser, says that even the Psalms were sung in the churches to the sweet and pleasing airs of the popular songs. The Swedish melodies above all, of which there exists a great variety, ancient and modern, are in general distinguished by exquisite sweetness. They are all without exception in the minor or flat key; as are likewise most of the Danish melodies. The above remarks on popular music hold good of them all.

III. *Germany.* It is well known to our readers, that the German imagination has from ancient times peopled with spirits of various descriptions the forests and castles, mountains and rivers. The two latter particularly, with their mysterious caves and their unexplored deeps, have always been the theatre of supernatural influence. Much attention has been recently paid by foreign travellers to those legends and tales; although these must have lost their principal charm in the lips of a skeptic guide, enlightened by the new-fashioned light of the last century. There is no doubt that these tales and traditions, whether they appear in prose or in verse, are real *Popular Poetry;* but to treat of them at large would oblige us to go far beyond our limits. A few words may serve as an introduction to our remarks on the popular poetry of Germany.

The Elves or *Elben*, although a race of spirits of genuine German growth, are little known in Germany by the common people of the present generation. In ancient German poetry the dwarf *Elberie* appears frequently; in the chronicles of the middle ages, and even in the later witch-trials, the name *Elbe* is used as synonymous with *Hexe*, witch. Into modern literature it has been introduced by the poets of the last century, under the somewhat altered name of *Elfe*, from the North, and from England; and is there at present perfectly natural-

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ized.* But the only form under which this appellation still exists among the common people, is that of the *Alp*, where it signifies *Nightmare;* it is the Scandinavian *Mare* or *Marra*, the *Phuka* of the Irish, the *Gwyll* of the Welsh. The place of the Elves is taken in Germany by the dwarfs, the witches, the wights and sprites of various names. The dwarfs are not deformed, half-human creatures; but, like the Elves, are well shaped intelligent beings of a diminutive size, and perform in the German legends precisely the business of the Elves in the Scotch and Irish tales. Where they appear single, and come to the assistance of individuals, they are known under the name of *Graumännchen*, *Bergmännchen*, etc. and then they are mostly in some connexion with the eternal enemy of mankind, and demand a high price for the help they bestow. But often they are introduced as living in large societies in the womb of the mountains, having a king and a queen, and practising all the ceremonies of a court with much of ludicrous dignity and stateliness. They are then of a kind and peaceful nature; and in many cases good Christians may have intercourse with them without endangering their souls. They have plenty of gold and jewels, and sometimes require the assistance of human strength to carry their treasures; or they come to invite some experienced lady to assist their queen in childbirth; and in all these cases they reward those who have helped them most royally. But there are also many instances where the same spirits do mischief. Their favorite business in Ireland is the exchanging of their own offspring for human children, much to the annoyance of the poor mother, who cannot quiet the howling and screaming creature, nor satisfy its voracious appetite; and this is also sometimes practised by them in Germany. In some regions around the Harz mountains an infant is still carefully watched until it is baptized, lest it should be stolen or exchanged. As this superstition prevails almost exclusively among the women, it appears chiefly in nursery-tales. But we remember also a popular ballad, sung in the southern regions of the Oder, where such a *Wechselbalg* or

* Grimm's Introduction to his translation of Croker's Fairy Legends and Traditions of Ireland, pp. lv — lvii. Grimm is of opinion that the signification of the word *Alp* was originally connected with the Latin word *albus*, white, and with the Greek ἄλφιτον flour, and Ἀλφιτώ a female spectre with which nurses terrified children, and which reminds us of the "White Lady" of the Teutonic nations.

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changeling is introduced. The ballad begins by placing the hearer immediately in the midst of the scene.

"Nun krähn die Hahnen alle,
Der Böse muss das Kind lan fallen."

"Now crow the cocks all,
The fiend must the babe let fall."

The intention of the evil spirit to keep in his power the stolen child being thus frustrated, a gentleman finds the boy on the road, calls him Benedict, and lets him grow up as his son. But Benedict has no rest until he has found his own parents, and driven away the changeling. This latter, although the genuine son has grown up meanwhile to the age of a youth, still lies in his cradle, howling with the voice of an old man; and still sucks with insatiable greediness the poor mother's milk. When Benedict enters the parental hut, the Elf, whose business for several lives must have been that of a changeling, flies howling:

"Acht Mütter hab ich zu Tod gezehrt
Die neunte hast du mir verwehrt."

"Eight mothers I have suck'd to death;
The ninth, thou hast made me spare her breath."

The German water-spirits especially, have an urgent desire to communicate with men, and to blend their race with mankind. The tradition of the Stauffenberger, who married a water-nymph, which is transmitted to the present time from the thirteenth or fourteenth century, is spread in manifold forms all over Germany.* All Europe knows the popular opera, "The Nymph of the Danube," founded on this tradition; and the beautiful novel of Baron Fouqué, called "Undine," which tells the same story as reflected in the pure and imaginative mind of the poet, *ought* at least to be known by all Europe and America.

Indeed, although the ancient throne of superstition is overturned, its thousand fragments still lie scattered all over the country; and many an inmate of the mysterious region which no geographer has yet explored, comes still as a frequent visitor to the rustic hut. They come under different names, and

* A version of this poetic tale is given by Mr. Jamieson, in his Northern Antiquities.

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in different shapes, as Hodeken, Knecht Ruprecht, Rübezahl or Number Nip; as the faithful Eckhardt, Dame Holle, etc. according to the province where they had their former home. Many things which are derided *here*, are considered as venerable *there;* and above all, much that is disbelieved in theory, exercises no small power in practice.

The fondness of the German people for poetry and song seems to have been brought along by their ancestors from their original seats on the banks of the Caspian. The Germans of Tacitus, the Franks, the Lombards, and the different branches of the Goths, all can be historically proved to have had their poets; although it nowhere appears that any of these nations had a *class*, or *caste* of bards, like the Celtic races, and in some measure the Scandinavian.* Of the character of their songs, which for a considerable time have occupied the imaginations and ingenuity of German historians, we know nothing; but may conclude that they were chiefly warlike. No poem, which can be *proved* to be older than the Carolingian period, is extant; but there are many evidences that tradition in a poetical form, i. e. *popular ballads*, then existed. It is stated by old historians, that the praises of Alboin, king of the Lombards, resounded in the songs of the Bavarians and Saxons many ages after his death. At a diet held in 744, where St. Boniface was present, an act was passed against the singing of *satirical* ballads. In 789, it was severely forbidden to the Nuns to copy or communicate to others certain popular love-songs;† and from other historical passages it is manifest that heroic ballads were current among the people. Charlemagne first caused them to be collected. That the *barbara et antiquissima carmina, quibus veterum actus et bellum canebantur*, affirmed by his biographer Eginhard to have been the objects of the great emperor's care, were not, as has long been believed, the songs of the bards from the times of Arminius, but heroic traditions kept up by the people in ballads and songs, seems after the arguments adduced by the Schlegels and the

* Bragur II. p. 43. J. Grimm Ueber den altdeutschen Meistergesang, Gött. 1811. The error, founded on a misapprehension of some passages in Tacitus, Ammianus, Diodorus, and other ancient historians, that the ancient Germans had *bards*, and that these bards, like those of the Gauls, formed a distinct class, has even in modern times not yet been given up by several very able and learned writers, e. g. Docen, Görres, etc.

† Schmidt's Geschichte der Deutschen, I. p. 508.

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Grimms, no longer subject to any doubt. The great ancient national Epos, the Lay of the Nibelungen itself, was perhaps never known by the common people; but the traditions on which it was founded, and the whole cyclus of heroic legends contained in the "Book of Heroes," and likewise many more, were current among them; and through whole centuries were transmitted from generation to generation only by oral means. The oldest ballad extant, at least in a fragment, is the Lay of Hildebrand, "Das Hildebrandslied," which has a decidedly popular character. Hildebrand is one of the heroes of the Nibelungen. From the ninth century several minstrel ballads (Bänkellieder) are mentioned in chronicles, e. g. "About Hatto's Treason, Kurzbold's and Benno's Exploits," etc. The celebrated hymn in honor of King Ludwig's victory over the Normans, known under the title of "Ludwigslied," must also have been familiar to the lower classes; although from the uncommon perfection of its form, one would conclude that it must have been the production of an educated poet.*

Of the *Minne-songs* (love-songs) and the poems cotemporary with them, although chiefly emanating from the nobility and having in part emperors and other princes for their authors, no small number appear to have been equally popular among high and low. Many of them, the so-called *Tanzweisen*, or dancing songs, were expressly composed to accompany the dances on public festivities. They were of course never separated from their tunes, and were played to day in the royal hall, and to-morrow under the linden tree, where the villagers held their festive dances. In Germany, as was formerly every where the case, and still is in Spain, dancing and poetry were intimately connected. Whoever has studied the nature of the German dance or waltz, (in southern Germany called Dreher, Schleifer, Ländler, according to the different character of the measure,) or has even only witnessed the dances of the peasants, will easily recognise the near relationship between dancing and poetry; although all traces of the latter have disappeared from the characterless dances of the ball-room. Even at the present time, although dancing is no longer accompanied by song, the peasant lad who expects to lead the dance, sings to the musicians a whole stanza of the song from which the

* With the "Ludwigslied," Herder begins his collection of popular songs: "Stimmen der Völker in Liedern."

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tune is named. During the period we are speaking of, poetry and song appear to have been disseminated over all Germany; and a spirit of cheerfulness and enjoyment pervaded the whole nation. But songs which were produced by individuals of the common people, although there can be no doubt that many of this class were current, were never thought worthy of being written down. Nothing of all the poetry which has been preserved in manuscripts from this period, has survived among the people; and hence it seems out of place to give here any specimen of the most brilliant age of early German poetry.

In the fourteenth century, when the art of poetry sunk down to the lower classes exclusively, instead of gaining a more popular character, it lost on the contrary in that, as in every other respect. From the artificial forms which the later Minnesingers had chosen to adopt in imitation of the Italians, certain laws and rules unfolded themselves, which made poetry gradually a formal and pedantic school; nay, at length a regular mechanical business, which required the apprenticeship of a fixed number of years; just as the trade of a shoemaker or carpenter. Poetry became lost in a labyrinth of artificial forms. Relinquished by princes and knights, and confined to mechanics and citizens, poetry *seemed* indeed to be brought nearer to the great mass of the common people. But without life and soul itself, it could produce no living effect. We mean written, and, after the invention of printing, printed poetry; or poetry as an art. For among the common people, many good old songs were preserved and imitated; and the *Meistersänger* or Master-singers, had always occasion to complain of the artless wandering minstrels, *fahrende Leute* or *kunstlos Gehrende* and their "rustic and uncourtly songs."* In direct opposition to the *Meister*gesang, the *Volks*gesang, or Popular poetry, developed itself in its fullest bloom; although the former exercised a decided influence upon the latter. Especially popular were the songs of the miners, called *Bergreihen.* Historical ballads were also very common, mostly of inferior poetical value; but love and social amusements were then as always the principal themes. The chronicles of Limburg of the fourteenth, and some of the annals of the fifteenth century, are filled with initial verses and scraps

* Grimm, Ueber den altdeutschen Meistergesang, p. 133.

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of poetry, not seldom marked by political allusions, and stated to be heard every where in the streets, as characteristic signs of the times.

The active interest which the people, during this period, took in song and poetry is strongly proved by the above-named chronicle; which regularly notices what songs were sung and became popular during each year. The same chronicle also bears witness how unpopular convents were in Germany, as early as the middle of the fourteenth century. A song, written in the character of a nun, was every where to be heard, which began:

> "God give him an unlucky year,
> Who me a nun has made!"

A leprous monk, who lived about the year 1374 on the Main, is also mentioned in this chronicle as a popular poet of distinction, whose lays were imitated by the master-singers.

Tschudi's Chronicle of Switzerland has preserved quite a number of war songs of that country, some of which are not without poetical merit. But comparatively few of these popular songs were regarded as worth preserving; and whatever has reached posterity by tradition, has reached it in an altered form. Thus the songs of initiation into the guilds or trades' fraternities, introductory to the reception of a new member, (Zunftlieder, Handwerkslieder,) still extant among the German mechanics, are said to be partly derived from the fourteenth and fifteenth centuries.* Of their general character we shall speak in the sequel.

Some of the most beautiful German ballads, still sung by the common people, at least in some provinces, are also said to be derived from these early times; and if we consider the coincidence of some of them with the popular poetry of other Teutonic nations, we are entitled to ascribe to them a still higher antiquity. Independently of them, however, not a few ballads and songs are extant, supposed to have originated in the fifteenth century; and their value justifies us in considering this period as the golden age of German popular poetry. The following ballad, sung to a sweet and touching air, was still current towards the end of the past century, in Alsace

* Bouterwek's Geschichte der Deutschen Poesie und Beredsamkeit, IX. p. 300.

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and Suabia, in different versions; whether it is so at present, we cannot say with certainty. It is still sung in the southern valley of the Oder, and was once popular in Holland.*

THE LAY OF THE YOUNG COUNT.

"I stood on a high mountain,
And look'd on the Rhine so wide;
A little skiff came swimming,
A little skiff came swimming,
Wherein three Knights did ride.

And of these Knights, the youngest,
He was the Count his heir;
He promised he would marry me,
He promised he would marry me,
Although so young he were.

He took from off his finger
A ring of gold so red;
Thou fairest, finest, take it,
My own heart's dearest, take it,
And wear it when I 'm dead.

What shall I do with the ringlet,
If I dare not wear it before?
Say only thou hast found it,
Say only thou has found it,
In the grass, before the door.

Nay, why should I be lying?
It would not behoove me well;
The young Count he is my husband,
The young Count he is my husband,
Much rather I would tell.

Wert thou but richer, maiden,
Hadst thou but a little gear,
In sooth I then would take thee,
In sooth I then would take thee;
For then we equals were.

* First printed in very different versions, taken down from the mouth of the people, in Herder and in Bragur, a highly valuable periodical. Our authority for its antiquity, is W. Grimm; see Preface to his translation of Old Danish Ballads.

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And though I have not riches,
Yet of honor, I have some;
That honor I will keep it,
That honor I will keep it,
Until my equal come.

But if there come no equal,
What then wilt thou begin?
Then I will seek a cloister,
Then I will seek a cloister,
To live as a nun therein.

'T was after three months' time had past,
The Count dream'd heavily;
As if his own heart's dearest,
As if his own heart's dearest,
In a cloister he did see.

Arise, my groom, and hasten,
Saddle mine and saddle thy steed!
We 'll ride o'er hill and valley,
We 'll ride o'er hill and valley;
The maiden is worth all speed.

And when they came to the cloister,
They gently knock'd at the door;
Come out thou fairest, thou fine,
Come out thou heart's dearest mine,
Come forth to thy lover once more.

But wherefore should I hasten
To thee before the door?
My hair is clipp'd and veiled,
My hair is clipp'd and veiled,
Thou 'lt have me never more.

The Count with fright is silent,
Sits down upon a stone;
The bitter tears he 's weeping,
The bitter tears he 's weeping,
Till life and joy are gone.

With her snow-white hands the maiden,
She digs the Count his grave;
From her dark-brown eyes so lovely,
From her dark-brown eyes so lovely,
The holy water she gave.

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Thus to all young lads 't will happen,
Who for riches covet sore;
Fair wives they all are wishing,
Fair wives they all are wishing,
But for gold and silver more."

The custom of printing and selling songs and ballads on single sheets, called "flying leaves," (fliegende Blätter,) was almost cotemporary with the invention of printing. Even collections of songs were made in Germany, as early as the close of the fifteenth century; during the following century these collections increased considerably, and the songs were usually accompanied with notes.

Meanwhile, learned institutions had begun to flourish in Germany; the Latin language reigned with uncontrolled sway, and an educated man would have been ashamed to write a verse in his mother tongue. The Reformation also, although its chief authors were governed by a spirit very different from those, who afterwards declared war against popular poetry in England and Scotland, was by no means favorable to the development of poetical talent. Luther, as well as Zwingle, were themselves warm friends of poetry, and both of them composed songs still in some measure popular among all classes. But the state of the public mind, so pregnant with the germs of a mental revolution, suffered no exercise of the faculties, but for a moral or religious object. Arousing man powerfully, and directing his attention only to one great point, *the one thing needful*, the one great interest of the soul excluded for a time all others; and all poetry which was not of a spiritual kind was apt to assume a frivolous character. Popular ballads were the only blossoms of the age; and in these, the sixteenth century is considered by some inquirers into literary history as eminently productive.* On the other hand, as the people began now to read more than to sing, books of a purely popular character began to be printed for them. The Book of Heroes and the Adventures of the Horned Siegfried, were printed repeatedly during the sixteenth century; and romantic stories in long and detailed prose were written and read by all classes.

The thirty years' war, and the times which immediately

* Docen's Miscellen, I. p. 248. Heinsius Geschichte der Deutschen Literatur, p. 195.

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preceded that period of horror and devastation, had a destructive effect on all that was beautiful and cheerful, and crushed with brutal rudeness the blossoms of the national genius. For a considerable time, the sources of popular productiveness seemed to be entirely checked, or broke forth only in impure and tasteless overflowings. Poverty, immorality, and rudeness of manners, prevailed among the lower classes. The politics of the reigning cabinets succeeded in excluding the people entirely from all participation in public affairs. Thus their active interest in them ceased; and their love of country perished. The historical ballads of this period, are little more than rhymed relations of dry facts; no poetical spirit breathes in them. All that was sung bore the immediate stamp of the present moment; poets had lost the courage and strength to tear themselves, even for a few moments, from the harsh and cruel reality. Tilly's terrible name re-echoed in some unmelodious strains; the battle of Leipzig was the subject of several rude ballads. "The Swede,"* who called himself a friend, was yet so much dreaded, even through Protestant Germany, that his name was used to frighten the children. A nursery-rhyme is still extant in Germany, which may stand here:

"Bet, Kindlein, bet!
Heute kommt der Schwed,
Morgen kommt der Oxenstjern.
Der wird die Kindlein beten lern."

"Pray, children, pray!
The Swede comes to-day,
To-morrow comes Oxenstjern,
He the children to pray will learn."

On the other hand, there never was a time in Germany, when educated poets had a more popular character than those of the first Silesian school; which was formed during the first half of the seventeenth century. They had a decided influence upon the people, especially in the cities, and may be considered in many respects as the representatives of the people. Most of them belonged to the middle classes of society; consisting of merchants, civil officers, etc. classes highly respectable, but not at that time so far separated from mechanics and common tradesmen, as at present, but further removed from the nobility. The influence of the French upon the nobility

* Gustavus Adolphus.

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began at this time; although it reached its summit only in the first half of the eighteenth century. Among the poets of the period we are speaking of, there is hardly a single nobleman. Many hymns composed at this time are still perfectly familiar to the German people; and although the *names* of Flemming, Neumark, and P. Gerhard, are known only to the educated reader, it can be justly said that there is hardly an individual in Protestant Germany, who cannot sing the hymns: "In allen meinen Thaten," "Wer nur den lieben Gott lässt walten," and "Befiehl Du deine Wege." P. Gerhard's popularity was especially great; and it is said, that several pious persons belonging to other congregations, were wont to visit the Lutheran church, only in order to sing Gerhard's hymns.*

The degeneracy of the Silesian school, called its second period, or the second Silesian school, occasioned by a false imitation of the Italian and Spanish poets, — which made the productions of this school a tissue of bombastic tastelessness, pedantic affectation, and often of gross licentiousness, — could not but separate it entirely from the people; who are only too frequently pleased with the vulgar, but never with the affected. Still more was this the case with the stiff and tame French school of the first half of the eighteenth century; which had gradually captivated all the educated classes of Germany. During these two last periods, a complete separation took place between the higher and lower classes, in respect to taste and amusements. While for their spiritual edification and comfort, the laboring classes adhered to the older ecclesiastical poets, they found after a week's hard labor a congenial holiday recreation in attending the popular dramatic representations, which began to flourish during this period. These genuine German dramas had their first rude beginnings in the middle of the fifteenth century, in the so called Shrove-Tuesday plays; the more ancient *mysteries* having been mostly written in Latin, and at the utmost interspersed with German verses. The development of the German stage concerns us here only in respect to its immediate influence upon the common people. The stiff and pompous tragedies, called, "Haupt und Staatsactionen," intended to represent the life of the great and the powerful, but in which the Ger-

* Franz Horn's Poesie und Beredsamkeit der Deutschen, I. p. 326.

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man *Hanswurst* or Merry Andrew never was excused from appearing, and also burlesque comedies interspersed with songs, were the amusement of all classes. But even when the polite world began to confine their attendance and notice of stage-plays to translations or imitations of the French, the regular popular dramas (Volkschauspiele), partly of very ancient date, were kept up; and they are still extant, although with many alterations, in puppet-shows, and in the exhibitions of the itinerant players at fairs in country towns. Few of these dramas have ever been printed; they were partly extemporized, partly committed to memory from manuscripts, which gave only general directions for what was to be done and what was to be said at such and such a place. That well known personage Dr. Faust, with his infernal compact and final punishment, was one of the favorite subjects of these dramas; a popular tradition, in itself of no small interest and depth, but of the highest importance to the literary world, as having given birth to one of the most wonderful productions ever created by human genius.

As for the present state of Germany, it may be said that, while the noble ideas of general improvement and universal information have cleansed the ground of heaps of dust and rubbish, they have in their impetuous course broken down and swept away many a lovely flower and many a wholesome plant. As native dispositions and external circumstances equally exercise an influence on the development of human tendencies, it may be taken for granted, that at the present time ancient popular poetry has survived in Germany exactly in the same proportion, as the inhabitants of the different regions of that country are a *singing* people; and has decayed as they are a *reading* people. The multiplicity of books must needs be destructive to the faculty of the memory. No one, who has a well before his door, will take the trouble to go to the mountains in order to quench his thirst out of the living spring. *Tones* impress themselves more *sensibly* and therefore more strongly than *ideas*; and hence, where a song was preserved by tradition, the words were always more apt to be lost or altered, than the melody. Few persons, however, and these mostly professed musicians, have sufficient musical cultivation to read notes like letters. But before entering more into detail, we will try to give in a few words the general characteristics of German popular poetry.

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In attempting to do this, we meet with the same difficulties which we should have to encounter in characterizing the national spirit itself. Without so striking peculiarities as the English, or French, or Spanish national character, its chief feature consists in its universality. Simplicity, and the strength which lies in an abrupt and elliptical style, are the characteristic features of all popular poetry; but when we regard the treasure of songs and ballads which were *once* popular in Germany, (we do not speak of the remnants which are so now,) we are struck by a *variety* in forms, and subjects, and genius, unequalled by the popular poetry of any other nation. German popular poetry has not the tragic grandeur of the Scandinavian; nor, with a few exceptions, the inexpressibly sweet melancholy and bold romance of the Scotch; not the plastic and epic perfection of the Servian, nor the lyric dignity of the Spanish popular poetry. But the German singers have, in common with the English, the joyful and deep sense of nature and its divine beauties; with the Scotch, a cordial and profound feeling; with the Scandinavian, the condensed and chiefly dramatic representation, which despises all puerile execution. Their expressions of love are more heartfelt and hardly less glowing than those of the Spaniards; and this passion itself is far deeper, although in general more sensual and less delicate, than among the Slavic nations; while in playful imagination, which, without any special object, draws fanciful pictures, and delights in its own creations, they surpass not only these, but all the other nations in the world.

The Germans possess a great treasure of ancient historical ballads, of which, however, from reasons stated above, few still live among the people. The number of these ballads is so large, that a recent collector, who declares in his preface that he has taken little pains to search for them, but has only brought together "what accident and a favorable destiny put into his hands," was able, with this small trouble, to bring together one hundred and forty-three pieces.* They might probably easily be doubled. But the *poetical* merit of these interesting songs, is comparatively small. The Germans do not possess a single historical piece of the beauty of the celebrated Chevy-chace; very few, if any, which approach in value to the Romances of the Cid, or those of the civil wars of Granada;

* L. B. Wolf, Historiche Volkslieder der Deutschen, Stuttg. 1830.

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and none which can be compared to the classical epics of the Servians, ancient and modern; which latter find indeed their equals only in Homer's immortal rhapsodies. The German historical ballads are distinguished by fidelity, and absence of that party spirit, which has been so often the inspiring muse of the English poet. Their principal defects are, perhaps, the immediate result of their principal merit. In respect to the whole of these ballads, the editor of the above-mentioned collection, justly observes: "There shines forth from them a mind simple and upright, which quietly, but not without heart-felt interest, relates what it has seen and experienced; honestly bringing to light and praising what appears to it the *right*, and repelling in good-natured anger the *wrong*; frequently also chastising it with a certain coarse wit, not far fetched indeed, but always striking. There prevailed, at the time when most of these ditties were produced, a poetry among the German people, which might be called the poetry of honesty. Not encouraged by the scholars of the age, just because they were mere scholars, it was generated along with the actions it celebrated, and received its nourishment from them." How important these ballads, which have been mostly preserved in chronicles, are, for both the political and moral historian of the German nation, the reader may judge for himself; but in a poetical respect also, they are far from being without interest. The ballad, for instance, called "The Duchess of Orlamünde," which as a whole is very valuable, has some stanzas of the very highest beauty. This princess, as a widow, fell in love with the Count of Nürnberg, and referred his expression, that there were "four eyes, which prevented him from marrying her," to the eyes of her two children by her former husband. She bribes "the wild Hager" to murder the poor innocent creatures; and, lest the wounds should betray the deed, she herself takes the pins from her "widow's-veil," and bids him thrust them into their tender brains, when they are at play. The murderer finds the children in the hall playing; and it is not without interest, that the rhymes, introduced in their game, are still sung by the children in Lower Lusatia. The description of the murder is touching in the highest degree, and is not surpassed by Shakspeare's celebrated scene between Hubert and Prince Arthur. The boy offers the murderer his dukedom for his life; the little girl, in her affecting childish way, offers him all her dolls, and at last the "bird" she

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has just got. That bird persecutes the murderer. He confesses himself guilty, and then dashes out his own brains.

"God, O God! where shall I stay?
I hear the bird that calls me aye!
God, O God! where shall I flee?
I see the bird right over me!

* * * * * *

Both the children undecay'd
In their marble coffin lie,
As if murder'd yesterday;
All the wicked to defy."

The historical ballads of the Germans possess, for the most part, more of a provincial than of a national character. But this is far less the case with those narrative ballads, which, although perhaps occasioned by some real event, belong chiefly to the wide province of fiction. Many of them are disseminated over all Germany, often in dialects little resembling each other, and with many variations; but though ever so ancient, they are always sung to the same tune.

The following ballad, whose proper home we cannot exactly tell, is known all over Germany; and it may at the same time serve as an illustration of our observations concerning the ancient connexion of the traditions of the Teutonic nations. Ulrich's cruel act appeared entirely unaccountable to the German hearer or reader, until Mr. Jamieson, in his interesting Northern Antiquities, furnished the key. "As a *ballad*," this writer states, "at least in anything like a perfect state, I have never met with it in Scotland; but as a tale, intermixed with scraps of verse, it was quite familiar to me when a boy; and I have since found it in much the same state, in the Highlands, in Lochaber and Ardnamurchan. According to our tradition, Ulrich had seduced the younger sister of his wife, (as indeed may be gathered from the German ballad,) and committed the murder to prevent discovery. We do not remember that any names were specified, either in the Scottish or Gaelic manner of telling the story; in every other particular, the British tradition differed nothing from the German." We subjoin the ballad in Mr. Jamieson's translation.

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ULRICH AND ANNA.

"It 's out rode Ulrich to take the air,
And he to dear Annie's bower can fare:
Dear Annie, wi' me to the greenwood gang,
And I 'll lear you the sma' bird's sang.

The tane wi' the tither they out are gane,
The copse o' hazel they 've reekit alane;
And bit and bit they gaed farther on,
Till they a green meadow cam upon.

On the green grass syne down sat he:
Dear Annie, come set you down by me!
His head on her lap he saftly laid,
And hot gush'd the tears she o'er him shed.

O Annie, dear Annie, why greet ye sae?
What cause to greet can Annie hae?
Greet ye belike for your father's gude,
Or is 't that ye greet for your young blude?

Or am I nae fair eneugh for thee? —
It 's gudes or gear they reckna me;
Fu' little thro' my young blude I dree,
And Ulrich is fair eneugh for me!

Upon that fir sae fair and lang,
Eleven young ladies I saw hang. —
O Annie, dear Annie, that did ye see?
How soon sall ye the twelfthen be!

And sall I then the twelfthen be?
To cry three cries, then grant to me!
The firsthen cry, she then cried there,
She cried upon her father dear.

The nexten cry that she did cry,
She cried to her dear Lord on high;
And the thirden cry, she cried sae shrill,
Her youngest brither, she cried until.

Her brither sat at the cule red wine;
The cry it cam thro' his window hyne.
O hear ye, hear ye, my brethren a',
How my sister cried there out i' the shaw!

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O Ulrich, Ulrich, gude brither mine,
Whare hast thou the youngest sister mine?
Up there upon that linden green,
The dark brown silk ye may see her spin.

Whereto are thy shoon wi' blude sae red?
* * * * * * *
Well may the red blude be on my shoe,
For I hae shot a young turtle dow.

The turtle dow that ye shot there,
That turtle dow did my mither bear.
* * * * * * *
* * * * * *

It 's deep in the grave, dear Annie was laid;
Fause Ulrich was high on the wheel display'd;
O'er Annie, the cherubim sweetly sung;
O'er Ulrich croak'd the raven young."

The Germans cannot be said to be so rich in narrative ballads, as the British nations; although they possess some, which may be compared with the most beautiful Scotch ballads, and which in general surpass the English in conciseness and energy. With a few pencil strokes, they paint a whole picture; often, indeed, only a sketch, but a sketch of such decided character, that the hearer's imagination will easily supply the rest. Most of them are short; some, like the Scandinavian, excluding all narration, are entirely dramatic. The following, where only one verse is narrative, but which seems to us to present before the hearer's eye a whole tragedy, may serve as an illustration of our remarks. If we may conclude from the abbreviation *Nanerl*, *Nanny*, from *Anna*, it originated in Austria or Bavaria; where also *Joseph* is a favorite name. Schiller, however, with whom this beautiful piece gave occasion for a bombastic paraphrase, a production of his still undeveloped genius, must have heard it in Suabia, where also the first publisher found it on the lips of the people.*

THE INFANTICIDE.

"Joseph, dear Joseph, O what hast thou done,
Thou hast made fair Nanny a most wretched one!

* First printed in Reichardt's Musicalische Zeitung.

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Joseph, dear Joseph, it soon will be past;
Through the gate of shame they carry me fast.

Through the gate of shame, to the place so green;
What love has done, will there be seen!

Headsman, dear Headsman, O do not be slow;
I gladly will die, to my child I would go!

Joseph, dear Joseph, O reach me thy hand,
God knows I forgive thee, before whom I stand.

A herald comes riding, they see the flag wave;
Stop! a pardon I bring, fair Nanny to save!

Herald, dear Herald, her life-blood has flowed;
Good night, my fair Nanny, thy soul is with God!"

Who can be insensible to the touching beauty of this ballad, however rude and imperfect may be its versification, and however much it must lose in any version? Indeed, if every kind of poetry must needs lose half its beauties in a translation, the truth of the Latin saying, *Dulcius ex ipsa fonte bibuntur aquae*, will never be more readily acknowledged, than in respect to the idiomatic peculiarities of popular ballads. This holds goods in a still higher degree of merely lyric productions. They are grown into the very bone and marrow of the language itself; and a congenial spirit can at the utmost imitate, but never satisfactorily translate them. And yet they are the most essential features in the physiognomy of a people; or as Görres expresses it, they are like pulse and breath, the signs and the measure of the internal life. "While the great *epic* streams," as this ingenious writer justly says, "reflect the character of a whole wide-spread river-district, in time and history, these lyric effusions are the sources and fountains, which, with their net-work of rills, water and drain the whole country; and bringing to light the secrets of its inmost bowels, pour out into lays its warmest heart's blood."* To the German popular songs, the Scotch alone can be compared in the expression of feeling and sweetness of melody. The great composers of that nation have often improved on the latter, without intimating it; and as the whole people may be called more or less musical, and not a few of the most distinguished musicians have been born in the huts of the poor; the com-

* Volks und Meisterlieder.

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positions of skilful artists have mingled so completely with those of the singers of nature, and are so amalgamated with the harmonious recollections of their youth, that it would be impossible at present to decide what emanated from the people, and what was only received and often re-produced by them. The rustic sweetness of the numerous Ranz de Vache, both Swiss and Tyrolese, the mysterious pensiveness of the German hunting songs, and the playfulness of their dancing melodies, have long been acknowledged by the cultivated world; and many a piece which bears on its front the name of some celebrated composer, is in reality set in a well known popular tune, and only harmonized or arranged by the artist.

According to an ancient German custom, a mechanic, after having finished his apprenticeship, before he is permitted to settle himself down as master, must travel, or, as it is called, *wander*, for two or three years, in order to become acquainted with foreign habits and skill. While the peasantry are the chief *preservers* of ancient songs and traditions, these wandering journeymen may be considered as the chief means of disseminating them all over the country. They carry with them books, printed expressly for them, consisting of songs and lays, which offer, as indeed does their whole life, a strange mixture of the deepest poetry and disgusting vulgarity. These books, however, are to be consulted as sources of popular poetry with discrimination; for their contents, like the single sheets which the peasants take home with them from market for their evening amusement, and which are printed throughout all Europe for the lower classes, and sold to them for the smallest coin current in their respective countries, — like them, these books are mixed up indiscriminately with modern and ancient, artificial and natural poetry. Everything is offered that can be expected to please.

There are to be found in the nurseries of all the countries where the German tongue is spoken, certain scattered fragments of ancient poetry, lullabies, rhymes interwoven in children's games, or detached sayings, often hardly intelligible as they there exist; but, as we remarked before, forming with those of other countries mutual supplements to each other, and thus becoming intelligible. There are other ancient rhymes, with which certain actions or performances are accompanied or introduced; e. g. the building of a house, so far as the carpenter is concerned, or when the mason begins and finishes his work; or

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on driving the piles of a bridge, etc.* There are also many fragmentary ancient local songs, chaunted on certain festivals, at the opening of spring, at the harvest-home, etc. The trades' songs (Zunftlieder) mentioned above, belong likewise here. They are current under the title of "Songs to the glory, honor, and praise" of the respective trades. The weavers, millers, tailors, carpenters, and others, sing in them the praise of their own trades; and very often rail at other occupations, with wit not very refined, but a good deal of humor. The tailors especially are constant butts. One specimen of this kind may not be without amusement to the reader.

THE SNAIL AND THE TAILORS.

"Once on a time three tailors there were,
O dear, O dear, O dear!
Once on a time three tailors there were,
And a snail in their fright they mistook for a bear;
O dear, O dear, O dear!

And of him they had such a terrible sense,
They hid themselves close behind a fence.

Do you go first, the first one he said;
The next one he spake, I 'm too much afraid.

The third he fain would speak also,
And said, He 'll eat us all up, I know.

And when now together they all came out,
They seized their weapons all about.

And as now they march'd to the strife so sad,
They all began to feel rather bad.

But when on the foe they rush'd outright,
Then each one grew choke-full of fight.

Come out here! come out! you devil's brute,
If you want to have a good stitch in your suit.

The snail he stuck out his ears from within;
The tailors they trembled —'T is a dreadful thing!

And as the snail his shell did move,
The tailors threw down their weapons forsooth.

* Bragur, Vol. III.

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And when the snail crept out of his shell,
The tailors they all ran away pell-mell."

In the songs here specified, we cannot expect to meet with real poetry; they prove only the natural delight which persons of all ages and conditions find in rhythm and rhyme, and are remarkable only as illustrations of the moral history of a nation.

We observed above that the ancient ballads were orally preserved in Germany, in the same proportion as the people are musical; and have been forgotten, as they are a reading race. Of the lower classes of North-western Germany, neither the one nor the other can be said. It is a race, vigorous in body and mind, full of good sense and natural judgment; but of a decidedly phlegmatic temperament, not easily moved, and clinging to their ancient habits and prejudices with unconquerable obstinacy. To body forth in reality the colossal exploits of the ancient Teutonic heroes, it is almost sufficient to see the giant-like, blooming young men of Westphalia and Holstein. The inhabitants of North-eastern Germany are nearly related to them in character and language; for although the peasantry of Mecklenburg are of Slavic descent, and the race of the Pomeranians strongly mixed with Slavic blood, yet the German language reigned in this part of the country almost exclusively as early as the fourteenth century; and still earlier in the adjacent marshes of Brandenburg, where all the Slavi were cruelly extirpated. In the whole North of Germany, as far north as the Odenwald, the Harz mountains, and the frontiers of Lusatia, the Low-German, i. e. *Niederdeutsch* or *Platt-deutsch*, is spoken by the lower classes.

The German language, from the earliest times, has been divided into two great dialects, the Upper German or Frankish, and the Low German or Saxon dialect; which latter furnished the groundwork of the present English idiom. Up to the thirteenth century, German writers were accustomed to mingle these two dialects; and until the sixteenth century, both dialects, although gradually diverging, enjoyed an equal authority. In Thuringia and Mansfield, the latter the native province of Luther, and both of them border provinces between Lower and Upper Germany, the popular language consisted of an aggregation of both these idioms. Through that great man's translation of the Bible and other writings, the dialect of his

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province, purified and enriched by his genius, became under the name of High German, the established language of books. It soon supplanted the Low German among the higher classes, at least in the cities. The last rescripts of the Mecklenburg government in the Low German dialect, are dated in 1542 and 1562. From that time the High German was adopted; and the third quarter of the sixteenth century may be considered as the period of its complete triumph; although the Bible continued to be translated into Low German through the seventeenth century, and was printed for the last time in that dialect in the year 1693.*

In spite of this degradation, which may indeed be considered only as the result of accidental circumstances, not only the lower classes of the North remained strongly attached to this dialect; but its peculiar softness, copiousness, and *naïveté*, served also to endear it to all those cultivated persons to whom it was familiar; and it is still considered as an inexhaustible source, from which the High German language can augment its treasures. Several distinguished writers have taken pains to elevate the different dialects of the Low German idiom, by writing poetry in them; mostly in the style of the people, and with the obvious aim to render their verses popular. But we doubt whether these endeavors have ever succeeded. To most of the Low German peasantry, the High German language is familiar enough to enable them to read in it. They are not a singing race; and we doubt whether one of their ancient ballads is still sung by them, although most of their dialects are rich in historical songs. Indeed, among the peasantry of Ditmarsh, the native province of the Niebuhrs, were composed almost the best historical ballads which the Germans possess, in celebration of their war of independence.† Deficient in the musical vivacity peculiar to the Southern Germans, the poetical taste, especially of the women, is more displayed in tales and stories, the recitation of which during their long winter evenings is accompanied by the music of spinning-wheels; since their native phlegm does not prevent habitual industry. No small portion of the nursery tales and traditionary stories collected by the two Grimms, originated in the Low German

* Kinderling's Geschichte der Niedersächsischen Sprache.

† O. L. B. Wolf's "Historische Volkslieder der Deutschen." Several Westphalian songs, collected by Justus Möser, are printed in Nicolai's "Feiner Almanach," 1777.

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dialect. Ingenious invention, a most simple style, and a certain dry, abrupt wit, are their chief characteristics. The far famed *Eulenspiegel*, introduced as Howlinglass in the early English drama, may be considered as the true representative of the Low German peasant wit; and his dry and ludicrous repartees and numerous waggish tricks seldom fail to call forth a smile even from the wise and cultivated.

There are also in this part of the country, especially in some parts of Westphalia, several local traditions still current; and many superstitious old sayings are yet kept up. But it would be erroneous to suppose, that all these things were founded in real superstition. "Our ancestors," as an excellent German writer says, "were in the habit of tying little blocks of wood to their keys, in order not to lose them so easily; or, if lost, in order to find them the sooner. Just so they managed with the useful sayings which they wished to inculcate on the youth; they annexed to each maxim a little block, that it might be remembered more easily. Thus they said: 'Children! as many grains of salt as you scatter, so many days you will have to wait before the gate of heaven;' or, 'Do not lay your knives upon their backs, lest the holy angels who fly about, cut their feet on them!' or, 'Girls, do not look in the glass at evening; the evil one looks over your shoulder!' And experience confirms the remark, that these little blocks assist memory just as much as rhymes, which were employed for the same purpose before the art of writing was common, or as the boxes on the ears, which our ancestors were accustomed to give the boys when they set up landmarks."* But we feel that this path is leading us astray from our object; which is not proverbs, the collected *wisdom* of the nations, but popular poetry, which might be called with the same right their collected *feeling*.

Central Germany, i. e. Saxony, the electorate of Hesse, and Franconia, presents in many respects a very different aspect. The people are decidedly musical; they sing a great deal; but they sing Opera-airs, disseminated even among the peasantry by students travelling during their vacations, and by the wandering journeymen,—and popular songs alternately. Books are frequent; but a Saxon peasant-woman goes seldom to market without bringing home a broad sheet of poetry. The maid-

* Justus Möser's Werke, Berlin, 1798, Vol. I. p. 331.

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servants in the cities sing many old ballads to the children; but whatever is preserved, is preserved only accidentally. There is no real love for the relics of former days; and the romances of Schiller and Bürger are mingled pell-mell with disfigured ballads from the fifteenth century. The following beautiful song, the tune of which is of a heart-melting sweetness and melancholy, seems however to have been made by a Saxon maid, the lorn love of a wandering journeyman.

THE WANDERING LOVER.

"My love he is journeying far away,
But I cannot tell why I 'm so sad all the day;
Perhaps he is dead, and gone to his rest,
And that is the reason my heart 's so opprest.

When I with my love to the church did repair,
False tongues at the door awaited us there;
The one it said this, and the other said that,
And this is the reason my eyes are so wet.

The thistles and thorns, they hurt very sore,
But false, false tongues, they hurt far more;
And no fire on earth ever burns so hot,
As the secret love of which none doth wot.

My heart's dearest treasure, there 's one thing I crave,
That thou wilt stand by, when I 'm laid in the grave;
When in the cold grave my body they lay,
Because I have loved thee so truly for aye!"

In the West and South of Germany, both the country and the people present a more poetical aspect. But before we lead the reader to the flourishing regions of Austria and Suabia, and the hilly vineyards of the Rhine, let him cast a look on the Eastern frontier, Silesia and her majestic mountains. The Silesian peasantry do not sing much; but the Giant Mountains harbor a whole host of fairy tales; the principal actor in which is the mischievous and fanciful goblin *Rübezahl*, whose name has been happily translated into English by *Number Nip*. There is however one corner in the South-eastern part of Silesia, the valley of the Oder, between Silesia, Moravia and Hungary, called the *Kuhländchen*, which may be considered in respect to our subject as one of the most remarkable spots

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of all the world. The German language spoken here, is exceedingly impure and corrupt; but although surrounded by a Slavic population, we discover in it traces of only a slight Slavic influence. In this valley, comprising not more than about sixteen square miles, containing two cities and twenty-three villages, with not much more than thirty thousand souls, a friend of popular poetry succeeded in collecting nearly one hundred and fifty songs and ballads; all of them banished, alas! from the dwellings of the educated and the genteel, and permitted to be heard only in the dust of spinning halls, amidst the noise of inns, or accompanied by the bells of the flocks.* They are mostly sung by the women "with more voice than feeling," the collector observes, in old fashioned dancing tunes; often they hardly themselves understand what they are singing. There are, moreover, even in this small territory, whole villages, where these songs are already unknown; and to write them down seemed indeed to snatch them from oblivion. These songs did not all originate among this people; whom the abovementioned collector describes, as "friends of song, dancing and drinking; curious, talkative, sensual in their love; manifesting, however, in their choice of a mistress, a partiality for their country, and adhering to it with a certain degree of fidelity." We meet here with many songs which were once sung in different dialects, in other provinces of Germany. The ballad called the "Lay of the young Count," (p. 306,) is also sung here, and indeed in a much finer version than the more common ones; although perhaps in the most uncouth and corrupt jargon of all Germany. The ancient ballads, the "Castle in Austria," and the "King's Daughter," resound here still in living accents; both however with many variations. We give here the first of these, in its more ancient form, omitting the additions of modern times. The ballad which follows it, will, in its simplicity, remind the reader of Sweet William's Ghost, and serve to confirm our remarks in respect to the coincidence of popular ballads among different nations.

THE CASTLE IN AUSTRIA.

"There lies a castle in Austria,
Right goodly to behold,
Wall'd up with marble stones so fair,
With silver and with red gold.

* Meinert's "Kuhländchen," or *Fylgie.*

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Therein lies captive a young boy,
For life and death he lies bound;
Full forty fathoms under the earth,
'Midst vipers and snakes around.

His father came from Rosenberg,
Before the tower he went:
My son, my dearest son, how hard
Is thy imprisonment!

O father, dearest father mine,
So hardly I am bound;
Full forty fathoms under the earth,
'Midst vipers and snakes around.

His father went before the lord:
Let loose thy captive to me!
I have at home three casks of gold,
And these for the boy I 'll gi'e.

Three casks of gold, they help you not,
That boy, and he must die!
He wears round his neck a golden chain;
Therein doth his ruin lie.

And if he thus wear a golden chain,
He hath not stolen it; nay!
A maiden good gave it to him;
For true love, did she say.

They led the boy forth from the tower,
And the sacrament took he:
Help thou, rich Christ, from heaven high,
It 's come to an end with me.

They led him to the scaffold place,
Up the ladder he must go;
O headsman, dearest headsman, do
But a short respite allow.

A short respite I must not grant;
Thou would'st escape and fly;
Reach me a silken handkerchief
Around his eyes to tie.

O do not, do not bind mine eyes!
I must look on the world so fine;
I see it to-day, then never more,
With these weeping eyes of mine.

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His father near the scaffold stood,
And his heart, it almost rends;
O son, O thou my dearest son,
Thy death I will avenge.

O father, dearest father mine,
My death thou shalt not avenge,
'T would bring to my soul but heavy pains;
Let me die in innocence.

It is not for this life of mine,
Nor for my body proud;
'T is but for my dear mother's sake,
At home she weeps aloud.

Not yet three days had pass'd away,
When an angel from heaven came down:
Take ye the boy from the scaffold away!
Else the city shall sink under ground.

And not six months had pass'd away,
Ere his death was avenged amain;
And upwards of three hundred men
For the boy's life were slain.

Who is it that hath made this lay,
Hath sung it, and so on?
That, in Vienna in Austria,
Three maidens fair have done."

THE DEAD BRIDEGROOM.

" There went a boy so stilly,
To the window small went he;
Art thou within, my fair sweet-heart?
Rise up, and open to me.

We well may speak together,
But I may not open to thee;
For I have plighted my faith to one,
And want no other but he.

The one to whom thou 'rt plighted,
Fair sweet-heart, I am he;
Reach me thy snow-white little hand,
And then perhaps thou 'lt see.

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But nay! thou smellest of the earth;
And thou art Death, I ween!
Why should I not smell of the earth,
When I have lain therein?

Wake up thy father and mother,
Wake up thy friends so dear;
The chaplet green shalt thou ever wear,
Till thou in heaven appear."

Besides these ancient ballads, which probably were common to all Germany, the inhabitants of the southern valley of the Oder sing Christmas carols and roughly versified scripture tales, which are still more or less current in all the Catholic provinces of Germany. There is, however, one species of ballads, which in Germany is peculiar to this district. These are such as we would call Slavic ballads, i. e. in which the Slavic influence is manifest; since the Slavic influence, although described as slight in respect to the language, is not inconsiderable in respect to the spirit of their poetry. The German village-bards, surrounded by a Slavic population which finds in music and song its best recreation, are prone to imitate them; as on the other hand, the Bohemian and Moravian rustic singers borrow from their German neighbors. We were struck at recognising in the following German ballad, a Slovakish original; for that the Slavic and not the German ditty is the original, we conclude from the greater completeness of the story, and from the nature of the fable itself. It was probably not translated, but recast; and that indeed in a poetical mind, notwithstanding its uncouth and gross language; since the only really poetical feature it contains, the gradation of the wounded tree as bleeding, weeping and speaking, belongs only to the German ballad.

THE MOTHER'S CURSE.

"There came along three Minstrels,
They went together so proud;
And they went over a meadow,
Where an alder was in the wood.

And one spake to the other:
That tree for my fiddle I need.
The one he began to strike,
The alder, it began to bleed.

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Another, he began to strike,
The alder, it began to weep;
The third, he began to strike,
The alder, it began to speak:

O, strike not, ye three proud minstrels,
I am no alder in the wood!
O, strike not, ye three proud minstrels,
I am a maiden proud.

My mother once did curse me,
When I went for water to the well;
May she burn to dust and sulphur,
And to ashes in the lowest hell!

O go, ye three proud minstrels,
Go to my mother's door;
And play, ye three proud minstrels,
Of me a ditty before.

The minstrels, they began to play,
Of her daughter who went to the well:
May 'st thou burn to dust and sulphur,
And to ashes in the lowest hell!

Play not, ye three proud minstrels,
Sing not so before my door!
And if I had ten children,
Such a curse I would never give more!" *

---

* To enable the reader to make his own comparison, we here subjoin a faithful translation of the Slovakian ballad:

"The maiden went for water,
To the well o'er the meadow away;
She there could draw no water,
So thick the frost it lay.

The mother she grew angry;
She had it long to bemoan;
O daughter mine, O daughter,
I would thou wert a stone!

The maiden's water-pitcher
Grew marble instantly;
And she herself, the maiden,
Became a maple tree.

There came one day two lads,
Two minstrels young they were;
We 've travelled far, my brother,
Such a maple we saw no where.

Come let us cut a fiddle,
One fiddle for me and you;
And from the same fine maple,
For each one, fiddlesticks two.

They cut into the maple,—
There splashed the blood so red;
The lads fell on the ground,
So sore were they afraid.

Then spake from within the maiden;
Wherefore afraid are you?
Cut out of me one fiddle,
And for each one, fiddlesticks two.

Then go and play right sadly,
To my mother's door begone,
And sing: Here is thy daughter,
Whom thou didst curse to stone.

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The happy and childlike disposition of the inhabitants of Austria, together with the blessings of a blooming and picturesque country, a productive soil, and a paternal government,—for the Austrian government is severe and tyrannical only towards its foreign provinces,—makes life to them a succession of holidays; and every moment generates a new song. Max Schottky has collected the songs and ballads current in Lower Austria, for the most part in the vicinity of the capital. Those of Upper Austria have another and more sentimental character, but, so far as we know, have never been collected. Whether as much of ancient poetry is preserved in any other part, as in the Kuhländchen, we are not aware; but the whole country, as it is, breathes of poetry and music.

The disposition of the Bavarians is heavier; the climate is rough, the soil less fertile; and the celebrated Bavarian beer has not the inspiring power enjoyed by the population of the neighboring wine-countries. The regions of the Rhine and the Neckar have ever been the true home of German popular poetry, and are so still. No province of Germany has contributed more to the glory of their common country, than Suabia. Here dwells a race naturally of a serious disposition; but happily influenced by a mild climate, a soil easily yielding to reasonable industry, but not rich enough to indulge indolence, and a scenery which unites the grand and the lovely. The following pretty song, which exists in different versions, may serve as a specimen of the peculiar *naïveté* of a Suabian peasant lad. The melody is sweet and pensive.

THE FAREWELL LETTER.

"Now I go to the fountain,
But I drink not;
There I seek my heart's dearie,
But find her not.

Then I send my eyes round
Hither and thither;
There I see my heart's dearie,
Stand by another.

The lads they went, and sadly
Their song to play began;
The mother, when she heard them,
Right to the window ran:

O lads, dear lads, be silent,
Do not my pain increase;
For since I lost my daughter,
My pain doth never cease!"

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See her stand by another,
O that hurts sore!
God keep thee, my heart's dearie,
I see thee never more!

Now I buy me a pen,
And buy ink and paper,
And write to my heart's dearie
A farewell letter.*

Write a farewell letter,
O that hurts sore!
God keep thee, my heart's dearie,
I see thee never more!

Now on the moss and hay
I lay me down;
And there into my lap
Three roses are thrown.

And lo! these three roses,
They are all blood-red!
I know not if my heart's dearie
Be living or dead!

Now I go to the chapel,
And pray for her bliss;
And when I come out again,
She gives me a kiss!"

That among the peasantry of Alsace, the French portion of Germany, more ancient poetry is still current than in other provinces, can easily be accounted for. The education of the higher classes is French. German books, although of course understood by the lower ranks, are comparatively rare; and French ones hardly intelligible, and mostly disliked by them. Thus the old ballads, transmitted down from a time when the national ties of the Alsatian people were not yet broken, seem to have been the only means of satisfying their fondness for poetry and song. The following ballad, which was first taken down by Herder, is called by this great writer, "a little lyric picture, while Othello is a powerful fresco painting,—unchecked action in all its boldness and terror." "The tune," he says, "has the clear solemn sound of an evening hymn, chaunted in star-light."

* In the original the rhyme of this verse is no better, viz. *Papier—Brief.*

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LAY OF THE JEALOUS LAD.

"Three stars are in the heavens,
Beaming with love on high;
God keep thee, gentle maiden,
My horse where shall I tie?

Thy horse take by the bridle,
And tie to the fig tree;
Sit down awhile by me here,
And make some sport for me.

I cannot now be seated,
I may not merry be;
My heart is sorely troubled,
Sweet love, it is for thee!

What draws he from his pocket?
A knife both sharp and long!
He stabb'd his love to the heart with it,
The red blood on him sprung.

And as he draws it out again,
With blood it was all red;
O thou, great God in heaven,
How bitter is my death!

What draws he from her finger?
A little bright gold ring;
He throws it in the river,
There lies the shining thing.

Swim on, swim on, thou little ring,
Away to the deep, deep sea;
For dead is now my sweet love,
No sweet love lives for me!

And thus it never doth end well,
With a maid that would love two;
And thus we both have learned now,
What a false love can do!"

The valleys of Switzerland and Tyrol are rich in poetic echoes; and their songs are to the ear what the clear, silvery, transparent cascades, which gush numberless from their mountains, are to the eye; the impression of one supplants that of the preceding, and the traveller gets so accustomed to the cheering, refreshing aspect and sound, that he learns to con-

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sider them as necessary ingredients of the landscape. The peculiar *naïveté* of these mountain dialects makes their songs utterly untranslateable into any other language. They lose entirely their character and charm; and if Goethe's saying, "Nature has neither core nor peel," holds good as to all popular poetry, it is especially applicable to these purely *idiomatic* lays and ditties. Of the two following specimens we give the originals, and subjoin a verbal translation, only in order to make them more intelligible to the foreign reader of German, without pretending to give their spirit. Both are sung by peasant-girls, and the tunes correspond well with the words.

I.

"Mein Herzel is zu,
'S kann 's keiner aufthu';
Ein einziger Bu'
Hat den Schlüssel dazu!"

"My heart is shut to,
None can it undo;
Only one laddie true
Has the key thereto!"

II.

"Uf'm Bergli hab i sässe,
Hab den Vögli zugeschaut;
Hänt gesunge,
Hänt gesprunge,
Hänt 's Nestli gebaut.

In ä Garte bin i g'stande,
Ha' de Imbli zugeschaut,
Hänt gesummet,
Hänt gebrummet,
Hänt 's Zelli gebaut.

Uf de Wiese bin i gange
Lug de Sommervögli an,
Hänt gefloge,
Hänt gesoge,
Gar zu schön hänt 's g'than.

Und da kummt nu der Liebste,
Und da zeig i em froh,
Wie se 's mache,
Und mer lache,
Und mer mache's au' so."

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"I sat upon the mountain,
And saw the little birds;
How they sung,
How they sprung,
How they built their little nests.

I stood in the garden,
And saw the little bees;
How they humm'd,
How they drumm'd,
How they built their little cells.

I walked in the meadow,
And saw the butterflies;
How they skipp'd,
How they sipp'd,
And how prettily they woo'd.

And just then comes my dearie,
And him I laughing show,
How they play,
And we're gay,
And we do even so."

We conclude this part of our subject with one lay more; which, displaying as it does a good deal of imagination, seems to us happily calculated to characterize German popular poetry in its relation to that of the other Teutonic nations. From the verse, "Flög' ich zu dir, mein Schatz, *ins Reich*," which we have rendered, "I'd fly far far away to thee," we must conclude that Northern Germany is its home; since the common people used this expression to designate the South, with the exception of Austria.

LOVE'S WISHES.

"In the world I have no pleasure,
Far away's my heart's own treasure!
Could I but speak to him, oh then
My heart were whole and well again.

Lady Nightingale, Lady Nightingale,
To greet my treasure never fail;
Greet him kindly, right prettily,
And bid him ever mine to be.

Then to the goldsmith's house I go,
The goldsmith looks from his windòw:

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Ah goldsmith, ah, dear goldsmith mine,
Make me a ring quite small and fine.

Not too large, not too small, let it
A pretty little finger fit;
And let my name be written there,
My heart's own dear the ring shall wear.

Had I of purest gold a key,
My heart I would unlock to thee;
A picture fair would there be shown,
My treasure, it must be thy own!

If I a little woodbird were,
I'd sit upon the tall green tree;
And when I'd sung enough, from there
I'd fly far far away to thee.

Had I two wings as has the dove,
Then would I fly o'er hill and dell;
O'er all the world I'd soar away,
To where my dearest one does dwell.

And when I was at last by thee,
Ah! shouldst thou then not speak to me,
Then must I turn in grief to dwell
Away from thee — my Love, farewell!"

IV. We conclude with a few remarks on the ancient popular poetry of *Holland*. The most appropriate place perhaps, would have been, where we spoke of Northern Germany and the Low German dialect.* Dutch poetry, as a branch of literature, is certainly independent of Germany. Dutch popular poetry, however, is only one of those numerous overflowings from the same great and deep well, which water in various ways the different regions of that whole country. It is at least as intimately connected with the poetry of the other Low German dialects, as are the Swiss ballads and songs

* The Dutch language is a daughter of one of the two principal dialects of the German, viz. of the Saxon or Low German. The Anglo-Saxon, the Low Saxon, the Dutch, and the Flemish, are considered as sister dialects; all four originating immediately from the Saxon or Low German tongue. The Anglo-Saxon is still extant, although much altered, in the Frisian dialect; and, mixed with Danish and Norman French, in the English language. The Low Saxon, familiarly called *Plattdeutsch*, is spoken by the common people throughout the whole north of Germany and Prussia, in various different dialects. The Flemish and Dutch are confined to the Low Countries.

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with those of the Upper German; and as nearly related to both these latter, as are the other dialects of the Low German.

Popular Poetry, we regret to say, no longer exists in Holland. The old ballads, perhaps still more extensively than in the North of Germany, are supplanted by opera airs and modern compositions of fashionable poets. To know what was once the recreation of their ancestors, we must consult their Chronicles, or the collections of Le Jeune and Hoffmann. And in these we meet with the same variety, and in this variety the same genius, which characterizes their brethren in Germany. Most of the romantic ballads of both these nations, are possessed by them in common; and the same relation exists between them, as between the Swedish and Danish. Ballads which are still heard, although in solitary instances, in the southern valley of the Oder, or in the regions of the Upper Rhine and Neckar, were some fifty years ago still sung by the peasant-girls on the Schelde. We even meet with traditions, which, by their being attached to certain localities, we should have concluded to belong exclusively to those places; e. g. the legend of the "Tannhäuser," which the Dutch possess in their tale of "Heer Danielkeen."

There is, however, one class of ballads, of which the Dutch have a more exclusive possession; and of which no similar species is met with among the Germans, except in a few pieces preserved in the Kuhländchen; nor among other nations, except in some of the English Christmas carols. These are *Bible ballads*, relating principally to our Saviour's birth and education, and to his resurrection. These narrative ballads were formerly sung indiscriminately along with Christmas and Easter hymns of a merely lyric character. The German scholar, who published two years since the judicious collection of Dutch popular songs, the title of which stands at the head of this article, says in respect to the older spiritual songs of Holland: "The greatest portion of them appeared in the middle of the fifteenth century, and disappeared again before the close of the following one. Many of them found favor with the people, and might therefore justly lay claim to the title of popular songs. These, like all other religious songs, were for the most part either adapted to the airs of profane songs or imitated from them. The greater number, however, were not so widely diffused, but confined rather to the circle of private devotion. Moreover, from the nature of

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their contents, they were necessarily limited to a very small circle; since the greater part of these were songs which treated of the nature and circumstances of the soul in love with the Saviour, and of the means by which it sought to gain the affections of its bridegroom, Jesus Christ. Other classes of sacred songs were severally devoted to the celebration of the birth and resurrection of Christ, and to the praises of the blessed Virgin. Thus then, the earlier sacred poetry of Holland consisted only of four descriptions of songs, viz. Christmas Carols, Easter Hymns, Songs on the Virgin, and Songs on Christian Faith and Doctrine."

The two latter classes the Dutch possessed in common with all Christians, and especially the Roman Catholic nations of Europe. They disappeared in Holland in the same proportion as the Reformation spread. Among the German Protestants, only the hymns of the Moravians and of the School of Pietists, so called, the followers of the venerable Franke and Spener, breathe the identical spirit of these Dutch religious songs. There is the same dulcet play with the heavenly Bridegroom, which delights in adapting all the glowing colors and expressions of earthly love to the relation between the soul and Christ, and gives even to the purest feelings a dress of sensuality. Nothing could be more unlike the equally fervent, but sound and racy piety of the German spiritual singers of the sixteenth and seventeenth centuries, the Flemmings and the Gerhardts! Of the two other classes, which we designated above as Bible ballads, we find among the Germans only a few traces. The so called *Fulneck Carols* are principally lyric. They are very ancient, and full of allusions hardly intelligible in our day. They resemble in some measure the Slavic songs of this description, which have mostly come down from time immemorial; and they have, on the whole, as little meaning as these latter. To the few Scripture ballads still extant in the southern valley of the Oder, and *perhaps* in some other places, the following remarks of Hoffmann hold good, as well as to the Dutch. "The Carols or Christmas Songs," he continues, "are those which most deserve our attention. In them we may clearly discern the childlike religious spirit of the olden time, when men were not content to relate in song the history of our Saviour's birth simply as recorded in the Scriptures; but sought by little traits drawn from national and domestic life,

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to make it more attractive and instructive; and so to apply it directly to the hearts of the pious and the faithful."*

These Bible ballads, in which the scenes of Scripture were thus in a highly *naïve* and popular way rendered familiar to the nation, emanated from the same spirit which induced the Dutch and Flemish painters to conceive and represent many of the same subjects in a style peculiar to themselves, at least in the extent to which they carried it. An English Reviewer observes,† that the custom of familiarizing from reverential and affectionate motives the personages and events of Scripture, was as universal among other nations as among the Dutch. This is true to a certain extent. All popular poetry bears exactly the stamp of the time which produced it. No popular reciter of a scripture tale would ever think of giving it an oriental coloring, nor of imprinting upon it the stamp of that sublimity, which cultivated Christians are accustomed to associate with the thoughts of God and Christ. There exist numerous German popular tales and legends relating to the divine government, to St. Peter and the keys of heaven, etc. St. Peter bears, in general, the character of extreme forwardness, and his presumption is corrected by the Lord Jesus Christ, or by God the Father himself. In one of these legends the Lord, travelling with his disciples, sees a broken horse-shoe lying in the path, and bids Peter pick it up. But Peter pushes it contemptuously away with his foot. The Lord then, in his mild way, picks it up himself, and coming to a blacksmith's shop, sells it for three-pence. For these three-pence he buys cherries, and, after a long and fatiguing journey, when all suffer from thirst, he drops them one after another. Peter picks up the cherries with avidity, one by one, and instead of stooping once must stoop now twenty times; and is thus convinced that he ought not to despise the mean and the little. In another German legend, the author of which is the celebrated Master-singer Hans Sachs, the same apostle presumes to blame the divine government. Christ smiles and gives him the sceptre for one day. Just then a poor woman comes along leading a young goat to pasture. "Go," she says, "go in the Lord's name, God will shelter thee from wolves and from thunder; I must go home and work for my daily wages and get

* Hoffmann, l. c. p. 1, 2.

† Foreign Quarterly Review, July 1834, Art. VII.

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bread for my babes. God will protect thee with his own hands!" "Hast thou heard the prayer of the poor woman?" the Lord asks Peter; "now thou must take this goat into thy care to day, because thou art to-day the Lord God." Peter does as he is bid. He runs after the young goat the whole day, up hill and down hill. The day is very hot and the goat seems never tired. At evening St. Peter, all covered with sweat, and sufficiently humbled, brings back the goat, fully convinced that he, who cannot even rule a goat, is not fit to govern the world; and that man does better to leave it to God. Thus all these tales are calculated to inculcate a certain religious truth;* while the Dutch ballads above-mentioned, on the contrary, have nothing of a moral tendency. The style of the German stories is certainly equally familiar; the Lord speaks exactly in the same manner as the story-teller is wont to speak to his inferiors, and the whole representation is as familiar and material as possible; but we nowhere meet with so many trifling particulars, with such a minute execution of details in the imitation of every-day nature, as in the Dutch and German ballads above specified. They resemble exactly in this respect the pictures of the Dutch school; while in respect to simplicity and want of skill in their conception, they are like the scriptural designs of the old masters, who represented God in his night-gown and with his pipe, taking a walk in Paradise on a fine summer evening, while lions and lambs skipped joyfully around him, and Adam and Eve hid themselves behind the trees. Some of the English Christmas carols may be compared to them; e. g. the ballad of the Cherry-tree, beginning:

"Joseph was an old man,
An old man was he, etc."

But the collection of Mr. Sandys affords few traits like the following in a Dutch ballad:

* In another of these amusing and characteristic German popular tales, the home of which is Westphalia, a tailor to whom St. Peter has denied entrance into Heaven, slips in when the door is left open a moment. One day, when the Lord happens to take the air with his holy angels, the tailor peeps through the hole before the throne, through which God is wont to look at the world beneath. There he sees one of his brother tailors put aside a yard of cloth. In his virtuous anger he breaks off one of the feet of the throne, and flings it down on the thievish tailor. The Lord returns from his walk, and discovering what has happened, reproves him: "Take care! take care! if I had been so rash, what would have become of thee!"

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" The mother she made for the child a bath,
How lovely then it therein sat!
The childling it plashed with its little hand,
That the water out of the bason sprang."

Or the following, relating to the manner in which the holy family labored in Egypt for their sustenance:

" Mary, that maiden dear,
Well could she spin;
Joseph was a carpenter,
And could his bread win.

When he was grown so old
That no longer work he could,
The thread he wound;
And Jesus to rich and poor
Carried it round."

The following family picture is from an ancient German ballad, preserved in the Kuhländchen. Joseph calls Mary up to make the fire and take care of the breakfast. Every thing is minutely described; how she rises, obedient to her husband, blows the coals left in the ashes over night, etc.

" And Mary took a porringer
So small and neat;
She made for her babe a gruel in it,
And put of butter in a bit,
And that was sweet!

And Mary to the hostess went,
And hung a kettle over the hearth,
The child to bathe so warm;
And then she bathes her dearest child,
It never will do him harm.

The hostess she had a little child,
It was both crooked and lame;
She bath'd it in the self-same bath,
Wherein dear Jesus just lain hath,
And so it strait became."

It would be easy to adduce parallels to this nursery-scene from among the ancient scriptural ballads still current in the West of England; but we have already trespassed beyond our limits.

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ART. II. — *Moral Philosophy.*

1. *The Elements of Moral Science.* By FRANCIS WAYLAND, D. D., President of Brown University, and Professor of Moral Philosophy. Second edition. New York. 1835. 8vo. pp. 448.
2. *Christian Ethics; or Moral Philosophy, on the Principles of Divine Revelation.* By RALPH WARDLAW, D. D. *From the second London edition, with an Introductory Essay.* By LEONARD WOODS, D. D. New York. D. Appleton & Co. Boston. W. Pierce. 12mo. pp. 380.

THE two works, whose titles stand at the head of this article, appear to have attracted not a little of the public attention; the former having reached a second edition within six months from its first appearance, and the latter having been thought worthy of a reprint in this country, with the imprimatur of a Professor of Theology in one of our most popular institutions. At first sight, they seem to possess many points of close resemblance to each other, and one who had not actually read them, might expect to find some general similarity, to say the least, in the views which they present. The three clergymen, whose names are given on their title-pages, are all engaged in actual instruction, direct or indirect, on the subjects of which they treat. In their respective denominations, they are held to occupy a high rank, and from the supposed tenets of those denominations, might be presumed to agree, at all events very nearly, so far as theology is concerned, in their views of human nature, of its relation to the great principles of right and duty, and of the mode in which those principles are to be ascertained and proved. This, however, is very far from being the case. It is hardly indeed too much to say, that on these points the two books are absolutely contradictions to one another. Both written with evident care and ability, by men who could not previously have been supposed to differ widely from each other; both adopted as standard works by classes of men in the same predicament; they nevertheless proceed on altogether different principles, and of course arrive at very different results. If either one is right, the other must be radically wrong.

The object of the Scottish divine is to prove the insufficiency

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and even danger of all moral speculations, based on any other ground than that of biblical interpretation. In his view, every Moral Philosopher who has preceded him, Butler himself included, has fallen into serious error, from this inherent vice of the whole system. The chair of Ethics is to be henceforth merged in that of Theology; and the seeker after truth, instead of reading, or attempting to read, as well that copy of the law of God which was "graven with his own finger on the table of the heart," as that other copy which was afterward "graven on a stone,"—instead of by this means adding at once to his understanding of its requirements, and to his confidence in its authority, is hereafter to regard the one of these two books as sealed; lest, after having read it, his views should not precisely square with those of his fellow-inquirer, whose attention has been wholly given to the other. To use his own language, "if the authority of the document be established, and the verity of its statements consequently ascertained, then it becomes, on all matters of which it treats, *the only philosophy;*" "the sole object of investigation comes to be, the meaning of the language in which the intimations of the Divine Oracles are conveyed." The wise man of this world is to become "a mere learner, a listener and asker of questions at the feet of Prophets and Apostles;" setting himself "with his grammar and his dictionary, to find out what it is that these men say; and in every point of which they treat, to bow without gainsaying to their authoritative decisions." The adoption of any other course, can lead only to a "science falsely so called." The "amalgamation of Philosophy and Theology, has, from the beginning, been a copious source of error." "We should be unfaithful to our God, and throw a disparaging insult on His name, were we thus to consent that the wisdom of 'the only wise,' should make its obeisance to the chair of human science; or were we to admit that he has left his word with less conclusive evidence in its behalf, than that by which the wise men of this world can vindicate the dictates of their own sagacity."

Dr. Wayland, on the other hand, has ventured, in spite of this threatened danger, to pursue the older course in regard to Moral Science, and has given us a text-book on the subject, in which other authorities, besides those allowed by Dr. Wardlaw's system, are acknowledged and referred to. Human nature, which the author of the "Christian Ethics"

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declares to be so corrupted, from its original character, that the study of its actual manifestations can afford us no real clue to its true design, is made in even greater measure than has been common in previous works on Morals, the basis of Dr. Wayland's arguments. His whole system, indeed, is *mainly* founded on the view which he has taken of it. Here and there, as we shall have occasion presently to remark, he has not *altogether* followed out this plan; but in the ablest and most interesting portions of his work, it is to be clearly traced. Scripture is referred to throughout, in confirmation of the views which he presents, but the general line of argument is by no means drawn from it. On the contrary, the whole of Dr. Wayland's book proceeds on the supposition, which the "Christian Ethics" controvert, that a careful study of human nature, as now manifested in its various states of comparative vice and virtue, may, and indeed will lead us, so far as it will lead at all, to right results as to its true character; just as a careful study of any other portion of God's creation, will enable us to ascertain much that is true concerning it, and need not conduct us to anything that is erroneous.

The appearance of two works, thus seriously opposed in principle to one another, and each receiving so considerable a degree of attention to its views, seems to offer a fit occasion for some general remarks, bearing on the main point at issue between them. This course will enable us to give our judgment on the general merits and defects, as they appear to our mind, of the books themselves. In adopting it, it may be well to take a rather wider range, than the discussion of the actual difference in this case requires, and to consider somewhat in detail, a question which has not yet received its full share of attention from the public, viz. "What is the true foundation of Moral Science, as a branch of Philosophical Study?" Is the distinction between right and wrong to be referred, as some of our controversialists would seem to intimate, only to the prescriptions of human law, or of public opinion, or even of the written law of God; or is it not rather to be traced back to the very constitution of the human mind? Are we, in order to follow it out satisfactorily, in all its details of practical application, to confine our attention to any simply written institutions, to any *special* decisions, of what sort soever; or are we not rather, by a careful analysis of the mental faculties which God has given us, of their rela-

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tions to each other and to the world around us, to ascertain the great principles of his government, — the leading outlines of his design in the creation of our species? Are we not, by the faithful pursuit of such an inquiry, to derive new confirmation of our faith in revelation; new sources of light and knowledge, to enable us to understand its meaning; new motives to induce us, with gratitude and hope, to aim at rendering obedience to its commands? If, in the discussion of this question, we should dissent altogether from Dr. Wardlaw's positions, we yet trust, that the general tenor of our views, will serve to acquit us of the charge of holding Scripture in any lower esteem than those do who take an opposite view.

We are aware that in proposing such a discussion, we ask attention to a subject which is very far from popular, in regard to which, indeed, there exists a strong and deeply rooted prejudice in the public mind. The question as to the foundation of moral science has not, as we have said, received the share of attention which its importance merits. We may indeed go further, and extend the remark to the whole circle of the mental and moral sciences, and their dependencies. Metaphysical studies, as they have been unfortunately styled, are not the fashion. The revival, that has wrought such wonders for those departments of science which relate to the world without us, has not yet reached them; and our system of intellectual education presents to the reflecting observer, a strange mixture of zeal for the diffusion of every other kind of knowledge, as of the utmost value to man, with comparative indifference to, and contempt for, that course of study, by which alone he can acquire a knowledge of himself. Ask the pupil of the modern system to give his attention to any one of what are called the physical sciences, and he will admit, to some extent at least, the propriety of your advice; but direct his notice to the laws of his own mental nature, ask him to observe and analyse his various emotions, and processes of thought, to compare his own ideas, feelings, and actions, so far as he may be able, with those of other men; in a word, ask him to study the human mind, and he will plead his want of time to spare from his other and practical pursuits. It is enough for him that he does actually think and feel. As to the modus operandi in the case, that is of very secondary con-

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sequence. He will compass sea and land that he may know, and thereby render subservient to himself, the powers of external nature; but self-knowledge, the power of understanding and acting on his fellow-man, the means of gaining that greatest of all victories, self-conquest, this is not what he aims at. The philosophy of the mind is, in his judgment, too abstruse and visionary, to be thought of beyond the limits of the college, where the folly of his ancestors unhappily in former times prescribed some little waste of time upon it. Speak to him of the laws of reasoning, of taste, of morals, of the rules by which he may distinguish truth from error, the principles which draw the line between beauty and deformity, between right and wrong. He will tell you that he makes these distinctions well enough for all his purposes, without reference to any such rules or principles. All men make them every day. What need is there of puzzling over a dry text-book of Logic, or dissertations on the sublime and beautiful, or treatises on Moral Science? Mathematical certainty and the practical spirit of the age are contrasted with metaphysical speculations, and the argument is ended.

That this is no exaggerated picture, we appeal to every man's experience of the way, in which, even by most of our intelligent men, every attempt to gain a serious hearing for such subjects, is treated. *Theorist* is just now a name of magical effect. Does any man appeal from the few crude and casually picked up notions, which form the sum of most men's knowledge of human nature, he is at once set down to be no practical man. He is a visionary and enthusiast. His views are no safe guide for those who would aim at really *doing anything* in the world. For this we want plain experienced men, not dealers in systems, or pretenders to philosophy. As if he were not in truth the more strictly an experienced and practical man, whose judgments are formed not on his own chance observations only, but who has drawn also on the recorded experience of others, who has reflected on and arranged carefully the results of this wide induction, and has followed them out in their applications to the concerns of life. What is a theory, using the term in its true sense, and without the implied reproach which is unfairly connected with it, but a systematized, straight-forward statement of the results of long continued observation? Why are a comparatively few facts on any subject, collected by a single observer, more valuable

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than a far larger number, if brought forward as the result of many men's experience? Why is the knowledge of them to make a man a safe and valued counsellor, so long as they remain "without form and void," the burden of a treacherous memory, and to disqualify the same man for the same duties, so soon as, by the exercise of the higher powers of his understanding, he has reduced them to order, and it may be, written them in a book? When we are choosing an architect or engineer to construct our houses or rail-roads, or a gardener to experiment on our flowers and vegetables, or a farmer to improve the breed and training of our cattle, we never think to stipulate that he shall not have gathered any of his knowledge from others. The more he has read and learned of his profession, or, in other words, the wider has been his field of observation, and the more closely and thoroughly he has explored it, the better for our purposes. Why is our course different when we are choosing a school-master for our children, or a religious and moral teacher, or a legislator, for ourselves? The principle is the same in the two cases. If limited knowledge is better than none at all, is not extended knowledge better still? So says common sense in every other case; so says not popular opinion in this.

Unpromising, however, as may seem the attempt to divert this current of public sentiment to its right course, the attempt itself must not therefore be given up. The present state of things in this respect is not one, to whose continuance we can look forward with any satisfaction. We must call for the protest, and for the efforts of our directors of education, against it. Its results are to be seen in every direction, and the language in which they address us is sufficiently emphatic. Here the philanthropist, who seeks to improve the condition of his race, and who, in pursuit of this end, has to make war on any of the habits or institutions of society, is met with a triumphant appeal to existing laws and customs, to the opinions of distinguished men, or to that most absolute of all autocrats, the will of the public. To all his bright anticipations of the future, there is opposed a summary and unreflecting reference to the past. The saying of the wise man is wrested against him, and he is assured that "the thing that hath been, it is that which shall be, and that which is done is that which shall be done, and there is no new thing under the sun." To all his reasonings, drawn from the nature and prospects of man, to

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all his appeals to our benevolence and moral feeling, the contemptuous sneer of his opponent gives for answer, that what he is condemning has the sanction of the law, the authority of precedent, the support of public opinion. And this reply passes current with the majority of those to whom it is addressed. Or to take another illustration, of which unhappily there are but too many instances, both in this and in other countries. There is another and very different class of reformers, agrarian agitators, who declaim loudly against priestcraft and monopoly, and resolve every thing they dislike into one or other of these hated evils, whose reforms, if carried out, would level all institutions in a common ruin. The past and present are with them the subjects of unqualified abuse. A futurity of endless change is their element. You warn them of the danger of sweeping and premature innovation; of the necessary inferiority, in all that ought to constitute the citizen and ruler, of that uneducated class, to whose worst passions they are appealing; of the immoral and destructive tendencies of many of their favorite and most popular doctrines; of the difficulty even now, the impossibility ere long, of arresting the career into which they are urging the community. What is all this to them, or to those on whom they act? The past abuses of aristocracy, the march of the human mind, the supreme and infallible decisions of the public will, — these are their watch words, irrelevant to be sure, but not therefore the less effectual for their objects. We are not stating here what has merely happened once, nor even what is now occasionally occurring. We speak of the prevailing feature of almost all our moral and political controversies; of the utter want of any commonly admitted principles of action, or tests of truth. Is this as it should be? Ought not they, to whom these questions are committed, and by whose voice the settlement of them is for the time determined, to be aware that the terms "legal" and "moral," "popular" and "right," do not always mean the same; that the enactments of human law, and the decisions of popular caprice, are often at variance with the dictates of that moral law, of which, so far as they go, they ought to be the exact transcript; and that in all such cases, it becomes the faithful citizen to labor, by all right means, for their correction? Let all such proposed changes, whether of law or of opinion, be canvassed as minutely as their enemies can desire, but let their ordeal be a fair one. Let not those who

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contend on either side, be arguing on wholly different grounds from one another, and before umpires who cannot set either of them right. That this is so much the state of things at present, reflects no credit on the modes which have been adopted for the education of our people.

Nor is the effect of this system better on our religious controversies. The infidel raises a laugh at the priest-ridden follies of former days, and calls on men to reject forever the religious systems, which have been in all ages so fruitful of them. It is in vain that the use of revelation is contrasted with its abuse; the moral purity of Christianity itself, with the impure glosses and corruptions that have at times disfigured it. The scoffer is a sceptic about all this. He has not been brought up to draw such distinctions, and it is no wonder that his moral vision is too imperfect to perceive them clearly. The proof of the being and attributes of a God, offered by the noblest of his creations, the mind of man, and its adaptations to his other works, is too seldom and too slightly urged, for him to give it much attention. The whole subject, indeed, is an obscure one. Is not the mind, with all its powers, the result of accident? Have not even philosophers so considered it? Has it really any constitution, properly so called, and if it has, what are its elements? If there be indeed, as some think, a natural power of the understanding, whose office is to force on our minds the necessary connexion of effects with causes, and by enabling us to trace it in all things, to bear witness to that great *first* cause, to whose action all around and within us is to be ascribed, he has yet to learn its existence. If there be in the heart of man naturally implanted dispositions, leading him to do involuntary homage to whatever is above himself, to place unhesitating faith, nay, sometimes to take pleasure in truths which are yet incomprehensible to him, to "hope even against hope" for future happiness, these evidences of his inherent fitness for religious life, are still unregarded by him. If, again, in the natural instincts of humanity to "do justly and love mercy," there is to be found an evidence of the justice and goodness of Him who made man in his own image, these instincts are not acknowledged by him. The divine enlarges on the internal evidences of this revelation, its harmony with human nature, its adaptation to human wants; — to what purpose? The grounds of his reasoning are not recognised. Human nature and human wants are, with most minds, literally

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unknown quantities, and cannot be made an available standard. Perhaps, indeed, by some of his shrewder opponents, he may be reminded of the position assumed in regard to this argument by certain even of his own class, and the ex-cathedrâ declaration of Dr. Wardlaw, that all systematic inquiries into human nature, have led more or less to anti-scriptural results, may be cited against him, as an evidence of the unreasonableness of his creed, or else of the utter emptiness of his argument in its favor.

And the people, in the meantime, whose judgment in this question is of so much moment, how stands the case with them? Are they better fitted than the disputants to follow out these trains of thought, and in so doing, to avoid those sources of error which have thus misled the disputants themselves? We know that most men never give a serious thought to such considerations at all. And yet to a mind that has ever reflected on them, they present by far the strongest and most unanswerable evidence of religious truth. The historical argument is a long one, and makes some demands on an unlearned man's *belief*, (and in the sense in which we here use the term, most men are unlearned,) in the *statements* of him who presents it. Every link of the chain has to be examined separately, and an impudent antagonist may easily, by a few well chosen assertions, make the uninstructed quite incredulous as to its whole fabric. This, on the other hand, is an argument that comes home to every man who has but the preliminary knowledge of his own nature. There is no gainsaying its conclusions. "He that runs may read it." And can we hope, knowing as we do, how much more powerful with the many a sneer is than *any* sober argument, that the defender of natural or revealed religion can succeed against the sneer of the sceptic, while he is himself unable to use with their full power, and his opponents and his hearers are alike unable to appreciate, his most convincing class of arguments? We do not wonder at the rapid growth, — we will not say, of avowed atheism, because that form of infidelity is not just now prescribed by fashion, but we do say, — of a practical and indefinite scepticism, a disposition neither to believe nor to deny any point in morals or in religion, — a disposition which, if unchecked, may lead to almost worse effects, than the noisiest and most open infidelity.

The limits of a review do not allow us to trace the results

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of this all-pervading defect in our system of instruction, as they affect the controversies which are carrying on between the various sects into which the Christian world is divided, and to show how much their number, as well as their acrimony, is to be traced to this as a cause. We must pass on to a remark or two on the nature of the remedy for the evil.

On this head, our views are soon stated. The cause of the evil must be done away. Our course of education, so far as it tends to produce it, must be altered. Whatever be the defect in the early training of the young, or in the later operations of society and its institutions on the adult, it must be supplied. In seeking to ascertain this defect, we must look below the surface. It not enough that we redouble our exertions to teach well and universally, what is already taught. Men may read and write, may even be profound in their acquaintance with the whole circle of the sciences, as fashionably taught, may be sound lawyers, dexterous as politicians, learned in theology; and yet when weighed in the balances, may be found wanting as men and citizens, in the highest and most essential features of the character. The root of the evil is not, that the public in general, nor that our various classes of innovators and anti-innovators, moral, political, or religious, know too much or too little, talk too loudly or too slightingly of the law, or of public sentiment; nor yet that they are too well or too ill informed on general topics, or on the technicalities of religion. It lies deeper. It is that they know too little of themselves; that they are not enough versed in the great principles which are at the foundation of all these controversies; that they have not that which alone can serve them as their compass or pole-star, in the otherwise bewildering inquiry after truth. This knowledge we must give them, not indeed in the place of any other of the branches of what we rightly designate as "useful knowledge," but in addition to them all. They must learn the laws of the external world, so far as those laws can be ascertained, whether they relate to the abstract properties of space and number, which form the subject of demonstrative science, or to the simply observed phenomena of inorganic, vegetable or animal existence; but they must not be left in ignorance, — no, not even in *comparative* ignorance, — of the laws of nature, as they act upon the highest of those existences to which our powers of direct observation reach, as they are manifested in

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the phenomena of the human mind. They must be made acquainted with this subject, not superficially, not as a matter of curious and interesting speculation merely, but as the great end and aim of all their previous studies, as the great business, we had almost said, of their life. Other knowledge they must be taught to regard as useful, highly useful; but useful mainly, inasmuch as it may be made to minister to this. To construct rail-roads, to facilitate the intercourse of nations, to render the most fearful of the powers of nature ministers to our will and contributors to our power; all this is well, is to be desired, and to be attained. But there is a higher object yet for our exertions, one which will yield us a far richer and more enduring reward, without which indeed all our other attainments will have rendered but half their blessings; and this is the bringing of *ourselves* into that condition, individual and social, for which our nature is designed, the effecting, in the world within us, changes as striking, as miraculous, we might almost say, as those which our discoveries in physical science have enabled us to bring to pass in the world without. We do not call in question the indirect influence which the spread of general information exerts towards this result, nor yet the more direct agency which the government of law, the restraint of private by public will, and the existing institutions of religion, have in producing it. But we want something more than this. We are not contented with anything short of *direct* knowledge in regard to any other branch of science. The farmer does not trust to a mere geologist the management of his crops, nor yet does he expect simply by his own practical knowledge of soils and their vegetable productions, to make himself a successful rearer of cattle. Yet geology is found to contribute to the improvement of the soil, and therefore of the harvest; a knowledge of husbandry in general, is a help to the improver of cattle. So too with man. Every kind of knowledge will do something for him; but it is the *direct* knowledge of himself that will do most. It is on this, that he must base his laws, by this, that he must form and estimate public opinion, by this that he must in no slight degree test his interpretations of that revelation, whose provisions are all suited and addressed to himself. When he has done this, the great problem of human improvement will be solved.

But we shall be perhaps reminded that in our colleges this study has been long prescribed, and asked why these grand

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results of which we speak have not already ensued from it, if indeed it possess the high rank we award it. To this we answer, not by a denial of what any man may quote our college catalogues to prove, but by a brief comparison of what they state to be done in this matter, with what a true estimate of its importance, and a practical man's calculation of what is needed to render it efficient, would require. What then is the testimony of these witnessess? Some months, no doubt, are given, more or less completely to mental and moral philosophy. But the time is much shorter than that devoted to the classical or mathematical departments, nay, often less than is allowed to the modern languages and the natural sciences. And it should be borne in mind, in making this comparison, that while both the ancient languages and the elements of mathematical and natural science are made the business of our preparatory schools; and while, with the exception of the classics, all the other branches we have named are regarded with favor, and very commonly pursued as studies after the college course is ended; there is no preparation made for the studies connected with the human mind before the student enters on them with his class, and scarcely ever the idea presented to him of continuing them for himself, when his daily recitations cease. Nor must we forget, that the atmosphere of college is not a little affected by that which prevails out of doors, and that our students mostly enter on this portion of their course with pretty unfavorable impressions as to its utility, impressions which the common regulations of the course itself are little likely to remove. In general, the undergraduate finds his text-books on the two subjects almost wholly unconnected with one another. A philosophy of the Mind is presented to him, which makes but very poor provision for any practical Moral applications, and a philosophy of Morals, which has as slender a foundation in any acknowledged theory of Mind. Logic and Rhetoric also are in the same predicament; neither the rules which profess to guide the mind in the search for truth, nor those which prescribe for the modes of its communication, being provided for by his mental science, or referring ever so remotely to it. Nor after he has left college, does the tenor either of professional and literary, or of more active life, tend to correct this idea. Law, medicine, divinity, criticism, are all pursued and carried on independently, or very nearly so, of the philosophy he has learnt. The du-

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ties of the man of business, of the teacher, of the citizen, are commonly performed without a reference to it. If we take into view all these facts, and they all bear on the question whether the human mind is studied as it should be, even in the course of what we call "a liberal education," we think there can be no doubt of its being at once decided in the negative. That under all these disadvantages, this study should nevertheless for the time force itself on the attention of our students so considerably as it does, and should be so highly estimated as it is by the few who continue to it that attention, is no slight evidence of what it might and would effect, were the influences which now act unfavorably upon its usefulness, displaced by others of an opposite character. This change, however, it is not in the power of our colleges alone to make. It must be favored from without. The public mind must awake to its importance, and instead of forcing on our colleges the hard though honorable duty, of risking unpopularity, by continuing to mental science the sanction they still extend to it, must call upon them to add to the weight of that sanction, by raising the study of human nature to its proper place in the scheme of education.

And why, we may be allowed to ask, before passing from this topic, why is this branch of education to be confined to the collegiate course? Have not other classes, besides our literary and professional men, a deep interest in its being taught to their members? All men have to deal with the human mind, to act upon it, and with it. All men alike have powers of their own to cultivate, and propensities of their own to subdue; all have a circle round them of associates or dependents, on whose minds they ought to exert some influence for good; all help to form the mind and mould the character of the young, to give a bias to the laws and institutions of their country. Ought not *all* then to be made partakers of that knowledge, by whose light only these high duties can be rightly discharged. "The proper study of *mankind*, is man." Then only, when every member of the community has pursued this study, will our obligation to extend it cease.

In thus presenting to those who desire the success of the great efforts at popular improvement, which are now making, the claims of the Philosophy of Human Nature to be considered one of the most essential departments in the education of every class of men, we do not at all enter the lists as the es-

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pecial champion of any one of the many more or less clashing theories, which have been broached in regard to it. We take a higher ground. A knowledge of the true analysis of the human mind *must be* of the utmost utility to every human being. All truth is valuable; this, most of all. Are we told that this or that system of mental philosophy is not really found thus useful? Our reply is, not indeed that it is therefore wholly false, but that it is not "the whole truth." There may be in it, the chances are that there is in every such system which man has ever built on any number of observations, however small, something that is true, and therefore useful; though, from defect in its foundation, that something may be but little. Our argument is not set aside, even by the assertion that no one of all the theories yet known can be turned to the uses we have assigned to the true theory of man. Such an assertion, could it be supported, would lead only to the conclusion that, as a whole, the true philosophy of man is yet in expectation. When discovered, we may be very sure that it will more than verify all the prophecies of the most sanguine of its eulogists. The way to bring about such a discovery, supposing it for the moment not yet made, is not to give ourselves no concern on the subject, and to direct our whole attention to other subjects about which we happen to be better informed, as if this were of no consequence. We must look upon it as therefore only of the greater moment, direct the public mind to it, point it out to the attention of the young, and set them also on the track towards discovering it. By this course we may reasonably hope to find it.

But, though this is not the place to enter on an examination of the various theories of the mind, or to state our preference of any one over the others, we cannot avoid expressing our belief that this process of discovery has not now for the first time to be undertaken. True, there are many theories, each supported by *some* facts and countenanced by some authorities, while truth, on whatever topic, is and must be single. A number of clashing systems cannot all be wholly true; but each may contain some truth, and some may present a large preponderance of truth over error. The course of the philosopher will not be to reject them all, but to select from each, to widen in this way his induction of facts, and, as a result, to produce a system which may be wholly true, and which may therefore

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bear him out in his applications of it to every one of those objects, which the true philosophy of man is to affect.

There is, on this point, not a little popular error. We are too apt to require originality, as we call it, in a work on the mind; as if the use of new and unheard of names, the statement of startling paradoxes, the display of fine writing, and of a train of thought too recondite for any of the uninitiated to follow it, were any thing more than an evidence of the still unsettled state of the whole subject. Our mental philosophers must not seek for any such originality, if they mean in earnest to be seekers after truth. The analysis of the mental operations does not require a formidable array of new and unintelligible names, nor will it lead us to any unintelligible or contradictory results. There is no reason why it should not be brought to the level of every man of ordinary capacity. Perhaps, when it is so presented, such men will wonder at the ease with which they recognise alike its meaning and its truth. The course of many of our philosophers will no doubt have to be materially changed before this effect takes place, but the result itself is not therefore the less certain. We have the analogy which the history of the natural sciences presents, in our favor. There is no reason why a theory of the mind should not be constructed, that shall be, to use the words of the Father of the Inductive Philosophy, "not vague and obscure, but luminous and well-defined, such as nature herself would not refuse to acknowledge." Let but our philosophers, while they analyse the operations of their own minds with all the minuteness, of which the case can be made to admit, correct their inferences, as drawn from this source alone, so far as may be necessary, by the observation of other minds. Let them reject from their consideration no theory that refers to facts in its support, however foreign it may appear at first sight from their own ideas; let them take into view all facts which they can collect directly or indirectly bearing on their subject, whether immediately relating to the brute creation or to man, to the bodily organization or to the mind, to men of this or that rank, age, or nation; let them discard that "science falsely so called," which seeks to solve questions to which the human mind is unequal, to explain the mysteries of Fatalism or Materialism; in a word, let them but deal with facts in their department, as other men already do in every other branch of science, and the work is done. The

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materials are most of them ready to their hands, and very many of them indeed are already rightly sorted. Mental Philosophy will, of course, long admit of and require additions, just as is the case with the natural sciences. But that is no reason why we should not at once have it made a real and useful science, and admitted as such into our schemes of education.

So much then for the general importance and character which we assign to the study of the mind, and to those ethical and other studies which we consider dependent upon it. We proceed to what is more strictly the *object* of our present remarks, the nature of that dependence itself, especially as it relates to what is called by way of distinction, Moral Philosophy proper. The length to which this preliminary matter has been extended must be excused, as almost necessary, in the present disposition of the public mind, to the fair consideration of the question itself.

When an engineer, to borrow from an illustration now pretty often used, proposes to run a line of rail-road through a district, there are three distinct processes of inquiry through which in succession he has to pass, before he is prepared to enter on his actual operations. He has first to learn the physical properties of the country, its hills, valleys and rivers, the character of its geology, every fact, in short, connected with his undertaking, as well as the abstract results of his mathematical studies, as the accidental circumstances to which they are to be applied in the case before him. He must then, with this knowledge present to his mind, distinguish the favorable from the unfavorable circumstances, and determine the line which, all things considered, is the best; in other words, he must form and mature the plan, or model of his work. His third and last inquiry, relates to the means he is to use for its execution. If his plan be drawn before either his scientific knowledge or his surveys are complete, or if his contracts be made and his workmen employed, before both survey and plan are finished, his procedure will be so far wrong.

The case is much the same with the improver of his fellowmen. He seeks to effect a change for the better in the intellectual and moral character of man, as the engineer does in the physical features of a district; and for this purpose, he must resort to the same succession of measures. The various manifestations of the human mind as at present developed, every

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fact which can be made to illustrate and explain them, must be his first object of inquiry. From this he must proceed to the selection of that class of manifestations, which are to be regarded as desirable, and then, and not till then, is he in a condition to make his third inquiry, and to seek for the means by which to render them predominant. This is the natural order of his studies. The material he is to work upon, the model by which he is to work, and the instruments he is to use, must be successively ascertained. His material must determine his model, his material and model together, his instruments.

This distinction seems to us to pave the way for a convenient three-fold division of the various sciences which have man directly or indirectly for their subject, and at the same time to suggest the relation which should subsist between them. If, in pursuing this division, we trace Mental Philosophy to one, and Moral Philosophy to another of these classes, we shall at once see how far either can be fairly said to depend on the other.

The division, then, which we propose to make, and which, though often not very distinctly kept before the mind by writers on these different sciences, is yet far from new, is simply this. Those branches of the philosophy of human nature, whose object is to give us a knowledge of its actual phenomena, to answer the question, "*What is?*" in regard to it, we call, as they have been commonly called, "*physical sciences.*"* Those whose object is to lead us to the design of

* Some ambiguity has resulted from the common restriction of the term "*physical science*," in popular language, to a class of sciences not having man for their subject, geography, natural philosophy, chemistry, &c., for example. This restriction is however improper. That class of the sciences relating to man, to which we have here extended the term, treats as directly of existing nature, and is therefore as correctly called "physical science," as that class, to which the name is sometimes exclusively applied. All who have ever attempted to deal in definition on these subjects, have had occasion to echo the complaint of Sir J. Mackintosh, on the inadequacy of their language to furnish them with unexceptionable words for the purpose. "The philosopher alone," says that author, "is doomed to use the rudest tools for the most refined purposes. He must reason in words, of which the looseness and inadequacy are suitable,and even agreeable, in the usual intercourse of life, but which are almost as remote from the extreme exactness and precision required, not only in the conveyance, but in the search of truth, as the hammer and the axe would be unfit for the finest exertions of skilful handiwork ; for it is not to be forgotten, that he must, himself, think in these gross words, as unavoidably as he uses them in speaking to others. — He might be more justly compared to an arithmetician,

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human nature, to answer the question, "*What ought to be?*" in regard to it, have been commonly called "*the moral sciences*," though from the necessary confusion between the word "moral" thus used in a wide sense, and the more limited sense of the same word when used to denote "Moral Philosophy" only, some other term would be desirable. We shall here call them "*the speculative sciences*," for this reason, as well as from the impression that the term "speculative," though it may not be precisely what is wanted, yet conveys better than the older word "moral," their distinctive characteristic. The third class, those whose object is to ascertain the means of bringing into existence that state of things which the second class reveals, to resolve the question, "*how that which is, shall be made what it ought to be*," may be styled, as they always have been, "*the practical sciences*." The division thus proposed, appears to us, so far as its principle is concerned, an exhausting one. There is no kind of real knowledge on the subject of man, which is not referable to one or another of the classes which it recognises. To those ulterior inquiries as to the "*how*" or the "*why*" nature is created as it is, which have so often, to no purpose, perplexed our philosophers, we do not believe the powers of the human mind to be adapted. The attempt to explain, for example, the mode in which organization acts in producing the various forms of vegetable and animal life, or the compatibility of the laws of causation with human freedom and responsibility, has never led, and in the nature of things can never lead to any useful end, to any science, properly so called. Existing objects and phenomena, with their several qualities and relations, form the whole basis of true knowledge. When we have learned, on whatever subject, the existing results of the ordinations of nature, as actually apparent, when we have drawn the line between those that conduce directly to our well-being, and those which do not, and have ascertained the mode of reaping the advantages of the one set without incurring the disadvantages of the other, we have learned all that the Creator designed us, in our present state, to know.

To the first class then, as thus stated, all inquiries into the

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compelled to employ numerals, not only cumbrous, but used so irregularly to denote different quantities, that they not only often deceive others, but himself." — *View of the Progress of Ethical Philosophy*, p. 1.

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actual condition of mankind, bodily and mental, are to be assigned. Anatomy, which proposes to ascertain the several parts of the body, and their varying appearances in different individuals, and physiology, which investigates the phenomena of life as they are connected with them, are branches of the physical science which treats of the human body. Mental philosophy is the physical science of the mind. Its object is to collect all facts which bear on mental existence, to learn the modes of thought and feeling of which the mind is capable, the original faculties with which it is endowed, with their various manifestations for good or evil, the principles which determine their action on one another, on the body, and on the external world, and those which regulate the influences of bodily organization and external circumstances, in general, on them.

The sciences which constitute the second class, still keeping in view the division we have laid down, follow on these respectively. Of the phenomena, with which the observation of the human body makes us acquainted, some conduce to the happiness, some to the misery, of man. The bones, which serve in most cases as firm and solid supports, are not unfrequently soft and useless; commonly suited in their proportions to the movements which they are to assist, and destitute of sensation, they are frequently disproportioned, and sometimes the seat of excruciating pain. The digestive apparatus in many cases fails to supply nourishment to the rest of the system, and becomes a serious inconvenience to its owner. The nervous system has its derangements. In a word, every organ of the body is by turns a source of pain as well as of pleasure. Is this a necessary result of its constitution, or is there not to be drawn a distinction between healthy and diseased action, between the designed and desirable condition of the system, and that in which, from some cause or other, it is often found? If so, what is this normal state of all these organs, now so variously affected? The answers to these questions constitute that branch of the science of the human body, which is speculative in its character, and for which we have as yet no English name in common use, unless the term "Hygiene" be so appropriated.

Similar contradictions are to be observed in the manifestations of the mental powers, when studied as we have shown the mental philosopher ought to study them. Man has been truly

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called an enigma. In one man we see the powers of the understanding equal to almost any amount of observation and reflection, discovering truth and detecting error as if by intuition, while in another we find them hardly capable of exertion at all. Here we are struck by the perfect taste displayed in the conceptions of the poet or artist, there by the perfect incapacity of the multitude to do them justice; here by the display of enlarged benevolence, strict integrity, and enlightened devotion, there by the indulgence of absorbing selfishness and revolting irreverence. The powers of the mind, like the organs of the body, produce mingled good and evil. Was this the object of their creation? Was it designed, that what is believed by one man, should be either not understood or not believed by another, that what is beautiful in this man's eyes should seem devoid of beauty or perhaps deformed to his neighbor, that what we look upon as our duty to God or man should not be so regarded by those around us? Or are we to suppose that these opposite results are traceable to any general rules of the Creator's government, one class of them springing from their being rightly observed, and the other from their being more or less infringed upon? If so, what are these laws, and what would be the results of perfect obedience to them? What are the proper sources of human belief, the rules by which we should distinguish truth from error? What are the true principles by which man should be guided in his admiration of the beautiful? And what, again, should be the general state of his dispositions towards his Maker, and towards his fellow-creatures? The pursuit of these investigations leads us to the speculative sciences which relate to the constitution of the human mind. When we are seeking to learn the proper field of operation designed for the Intellectual Faculties, individually and collectively, that is to say, when we are engaged in the inquiry for the principles which should direct us in the formation of belief, we have entered on one of them. We may here give it the name of Logic, premising, however, that the sense in which we use the word, is much wider than is really allowed to it in our text-books, which profess indeed generally to explain the principles of reasoning, but mostly confine their attention to what is in fact but a trifling fraction of the whole field belonging to their science, — the theory and practice of the Syllogism. The philosophy of Taste is another of these sciences, having for its object the dis-

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covery of the laws, by which both the understanding and feelings should be guided in their estimate and admiration of the beautiful and poetic, whether in art or nature. Moral philosophy is that other science falling into the same class, which treats of the balance that should subsist between the several powers of our intellectual and affective nature, in order to the right discharge of our duties to those beings, whatever their relations to ourselves, to whom our states of mind or our outward actions, may have any reference. Setting out with the admission of the existence of conflicting tendencies to action in the human mind, and of the vast variety of views in regard to duty, existing among men, it aims at showing the relations which these several tendencies should bear to each other in the mental economy, at deciding which of these various views should be adopted as correct. These sciences which we have named, may not perhaps be all that could be referred to this class. We do not here attempt to give a full catalogue of them. Any such attempt would belong to a work on the subject, rather than to an incidental notice. Our object is to show the position we conceive Moral Philosophy to occupy; not to offer a classification in some respects new, of other sciences. Logic, or as we might with our definition term it, the philosophy of belief, and the philosophy of taste, we have here referred to, rather in illustration of our views in regard to the philosophy of morals, than with any other design.

The third or "practical" division of the sciences which relate to human nature, is, we need hardly say, synonymous with the science of Education, taken in its widest sense; the examination of all the means which can be employed, to render man, in every respect, both in his bodily and in his mental constitution, what, from our previous inquiries, we conceive he ought to be. These means, of course, are various; some acting solely on the organs of the body, others designed to affect the mind in one way or another. Education, in this view of it, is a vastly different affair from a mere theory of school-keeping. Every influence, the slightest as well as the most powerful, which, from the cradle to the grave, in the nursery, the school-room, the college, or in after-life, may be exerted, no matter by what agent, on the bodily or mental condition, falls under its investigation. It aims not merely, as some would seem to think, at devising the best methods of communicating

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information, or of preserving discipline in a school, but at showing how we may produce the perfect and harmonious developement of all the powers of the body and of the mind; how we may put an end alike to the diseases which shorten and embitter life, and to the errors of judgment and of heart which endanger the well-being of the individual and of the community.

If these remarks on the respective provinces of mental science, the theory of morals, and the philosophy of mental education, and on the relations consequently subsisting between them, be not wholly erroneous, the estimate we have made of the former sciences, as branches of useful study, is fully borne out by them. He only, as we all admit, can hope to succeed in the training of the body, who has become master of the sciences which teach the structure, functions, and design, of its several parts. He only can be considered perfectly, that is, properly qualified to discharge his duties as a practical educator of the minds of his fellow-men, (and *all* men *must* discharge them, well or ill, from the very fact of their being members of society) who has become acquainted with the powers of the mind and with the means by which they may all be made conducive to the general good. Is it not time that more should be done to give men generally this knowledge?

We are aware that by some this statement of the province of Moral Philosophy may seem to be unnecessarily refined upon. What is moral science, they may ask, but the science which teaches us what we ought, and what we ought not to do? If by the word "do," be here meant all that is really comprehended in the idea of a "*moral* action," we are ready to adopt the definition; but if the word be used, as it most commonly is used, in its popular sense of "doing" as distinct from "thinking," or "intending," we cannot assent to it. Christ's epitome of the moral law refers to motives wholly. *Love* to God and man, is its precept; not mere prayer, or alms-giving. Even the older and less comprehensive epitome, given in the decalogue, has the same reference to the disposition. "*Honor* thy father and thy mother," and "thou shalt *not covet*," are among its injunctions. Virtue is not, as Dr. Paley defined it, simply "the *doing* good to mankind." A man may be highly virtuous, and yet not succeed in really doing good in any proportion to his virtue; or again, he may

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happen to be the greatest benefactor to his race, and yet not at all merit, from that fact, the character of a virtuous man. Expedient and inexpedient are the terms we should apply to actions, viewed separately from their motives; virtue and vice are qualities predicable only of the motives themselves. In common language, to be sure, we speak of virtuous "actions;" but in all such cases, our idea of the action so designated, if rightly formed, includes within it the intention of the act, as fully as the act itself. In this view of the case, Paley's definition is doubly in error. "Virtue," says he, "is the doing good to mankind, in obedience to the will of God, and for the sake of everlasting happiness." On this principle, the benevolent designs of Howard, would be declared devoid of the quality of virtue, if either they had failed to *do good*, or had been prompted by sincere regard to the well-being of his fellow-men, rather than by a sense of any divine command to this effect, or if he had been even disinterestedly obedient to the divine will, and had acted without reference to the reward offered for obedience. Our limits do not allow us here to enter on the discussion of what we deem the true theory of virtue. In general, we look upon the views of Dr. Wayland on this head, as greatly in advance, both in regard to their correctness and to their comprehensiveness, of those expressed by his predecessor, to which we have adverted. They are so, in our view, from the fact, that he has based them so much more directly and completely on the leading principles of the true philosophy of the mind.

While on this topic, we may be allowed, without being disposed to censure what we regard as an extremely valuable accession to the library of the moral philosopher, to express our regret that, in one or two instances, Dr. Wayland should have omitted to perceive, how much a little further reference to the same source would have improved his arguments, and added to the clearness of his distinctions. For example, after stating his faith in "*a distinct and separate faculty* to make us acquainted with the existence of the distinct and separate quality" of moral rectitude, he goes on with the following remark:

"But after all, this question is, to the moral philosopher, of but comparatively little importance. All that is necessary to his investigations, is, that it be admitted, that there is such a quality,

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and that men are so constituted as to perceive it, and to be susceptible of certain affections in consequence of that perception. Whether these facts are accounted for, on the supposition of the existence of a single faculty, or of a combination of faculties, will not affect the question of moral obligation. All that is necessary to the prosecution of the science is, that it be admitted that there is such a quality in actions, and that man is endowed with a constitution capable of bringing him into relation to it." — p. 34.

Now while, in regard to this subject, we admit with Dr. Wayland, that a knowledge of this ultimate fact in the natural history of man, his actual ability to take cognizance of the distinction between right and wrong, is all that is "*necessary* to the prosecution of the science" of morals, we cannot, with him, regard the question as to the existence of one or more faculties to enable him to arrive at this result, as one by any means of "comparatively little importance." To the formation of any clear view of the proper balance of the different powers of the mind with reference to the idea of right and wrong, (and this, as we have said, we regard as the true aim of moral science,) it is of the utmost consequence that we have a clear conception of *what those powers really are* in their original constitution, which are concerned, directly or not, in the production of that idea. Nay, further, to the *satisfactory proof* of those fundamental doctrines of moral science, the real existence of any naturally implanted power of thought or sentiment having that special object, and the consequent authority of such power in the mind, it is almost, indeed we should be inclined to say, absolutely necessary, that by the researches pursued in the physical department of the science of mind, the power or powers themselves should be distinctly set forth and analysed, and their unity or plurality, their similarity or diversity of function, clearly shown. Thus, to explain our meaning, the doctrine of the "moral sense," as it is called, is objected to on the score of the non-universality of the feeling which it supposes to be an essential attribute of humanity. It is for the mental philosopher to show, that universality is not requisite to the establishment of its existence among the natural instincts of the heart, any more than the universality of sight among men, is necessary to the proof that man was created with such a sense, or that of the faculties which discern the musical relations of sound, or lead us to abstract reasoning, to prove the natural power of

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man in the abstract to judge of music, or trace the connexion of cause and effect. The very existence of the words "right" and "wrong," establishes the natural existence of some power or powers of mind which have relation to them, just as that of the words "light" and "darkness," "harmony" and "discord," "cause" and "effect," proves that man was naturally made to see, to discriminate between sounds, and to pursue abstract reasoning. But again, it is objected, that men's judgments in the premises differ, that duty with one man is not the same as duty with another. Here, too, the moralist must refer to the results to which the physical science of the mind will lead him. May not what he calls "the moral sense," be a result of the action of several powers, differing in their separate functions, — of a feeling which simply prompts men to desire justice and to admit the obligation of duty, and of intellectual powers which discern, or seek to discern, those qualities of actions in which their propriety or impropriety consists? Nay, more, may not this combined result of impulse and reflection, be further modified by other natural impulses of the mind, more or less in particular cases at war with the direct influence of the moral feeling? If so, he may admit, to the fullest extent of the objector's wishes, that the strength of men's moral feelings, and the clearness of their moral perceptions, and the violence and peculiar character of their antagonist dispositions, vary greatly; that some men have hardly any conscience in their dealings, that others are sadly mistaken in their views of right; and yet he may insist and prove, that nature no more necessitated or designed these aberrations, than she did the want of sight or understanding in the blind or idiotic.

For the sake of the greater clearness and conviction with which we conceive Dr. Wayland could have invested his arguments by such a course, we regret that he has not added to the value of his inquiry as to the existence of a moral sense, by entering more minutely into the analysis of its constituent elements. No degree of acquaintance with this analysis of any class of mental phenomena, can be too minute for the guidance of the constructor of a sound and comprehensive theory of Morals. Dr. Wayland has done very much that demands our thanks in this respect. He is himself the man who is capable of doing still more.

But we must not forget, that against the whole of this pro-

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cedure Dr. Wardlaw's decided and labored protest is entered, and that our defence of it is not established, unless we can show the ground of that protest to be untenable. The position assumed by him, the truth and authority of Scripture, is one which we are as little disposed to question, as he can be himself. To the application which he makes of it in the case before us, we cannot by any means assent. We have already, at the outset of our remarks, given it in his own language. We shall now, as briefly as we can, consider its force, as an argument against the philosophical study of human nature, which we have recommended.

Before doing this, we may be allowed to repeat the expression of our belief in and reverence for Scripture, as a communication of truth, moral as well as religious. We are willing to echo all the forms of expression, (and they are many and varied) in which our author has in different portions of his work, repeated the declaration of his own faith on this head. We believe it to contain "*the only philosophy*," we believe it to communicate "the wisdom of 'the only wise,'" we desire not to see it "make its obeisance to the chair of human science." On the contrary, we will quote, and with full approval, when it is accompanied by such a course of investigation as our other author has fearlessly pursued, the sentiment expressed by Dr. Wayland in his preface.

"Entertaining those views of the sacred Scriptures, which I have expressed in the work itself, it is scarcely necessary to add here, that I consider them the great source of moral truth; and that a system of ethics will be true just in proportion as it developes their meaning."

Still, while making these concessions, and we make them not at all in that spirit of "verbal courtesy," which Dr. Wardlaw attributes to those who differ from his conclusions, we have something to urge against his mode of applying them to the case in question. Instead of resting satisfied, that truth as drawn from the careful study of the works of God, can only harmonize with that which is by a like process elicited from his word, and thereupon setting himself in good faith, as Dr. Wayland and others have done and as we would have all men do, to develope the analogies which must subsist between the results of these two processes, Dr. Wardlaw prefers to assume, that all who study the works of the Creator, and seek by that means to learn the laws of his natural government,

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unless they are willing, in so many words, to bind themselves to depart in no iota from the ideas of other men, as deduced from the *mere* study of the expressions used in the written law, are seeking to exalt "the dictates of their own sagacity," above the authority of the written law itself. We are tempted to ask whether our author really regards the discoveries of Newton and his disciples, made by the observation of nature in her other departments, as simply dictates of *their* sagacity, or whether he is not willing to allow the now established principles of astronomy, to be the result originally of divine and not of human skill. And if Newton, by the study of the heavenly bodies was enabled to declare "the wisdom of God" in their construction and arrangement, why may not another meet with like success, by taking the same course in regard to another subject? The "science falsely so called," whose summary rejection by an apostle is insisted on by Dr. Wardlaw, and held up as an example for the christian world to follow, had, indeed, no higher authority than that of human sagacity. It was the "wisdom" in which the Greeks of his day delighted, for which they looked in vain in the simple and pure morality of the Gospel; and which is not to be found any more in the book of nature by the philosopher, than it is to be traced in the writings of the apostle by the critic. That the student of nature should also be a student of revelation, is true enough; and it is equally true, that the student of revelation ought to be likewise an inquirer into nature. When the cardinals of the Catholic church declared the doctrine of Galileo in regard to the solar system to be "absurd, philosophically false, and formally heretical, because it is expressly contrary to the holy scripture," they proved the insufficiency of the mere study of revelation to make men philosophically acquainted with the external universe. Perhaps some of Dr. Wardlaw's sweeping charges against all moral science, may go far to prove a like insufficiency of the same means to ensure any philosophical view of the world of mind.

Granted, that scripture treats far more directly of mind and its phenomena, than it does of the material world; granted, that whatever it states on these subjects is, and ever will be, absolutely authoritative:—does it therefore follow, either that it is designed to give us a full and complete account of all that man can profitably know in regard to them, or that, even as far as it goes, it presents to us the facts which it makes known,

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in the most systematic form, and in the most philosophical language? The truth is, that scripture throughout uses the terms in common use at the periods when its several portions were composed, as well in its statement of facts bearing on the mind, as of those which relate to matter. It was no more its design to unfold the philosophy of man in all its parts, thoroughly, and in precise, defined, and unambiguous terms, than it was to perform the same task for any other branch of science. Its true object was to reveal to man, what he could not, but by revelation, have learnt with any certainty; and not at all to dispense with that necessity, which is laid upon him by the whole constitution of the world he lives in, to improve his state and prospects, bodily and mental, by the use of all his powers of mind in acquiring every kind of knowledge of which they are capable. Suppose that, instead of the simple assertions which we find scripture to make, in popular language, of such detached facts and principles respecting the mind and moral truth in general, as were essential to its great design of making known the will of the Creator, a future world, and other mysterious and undiscoverable truths, it had taken the other course, and had attempted to reveal *all* that man could require to know of himself, and of his duties and interests here, as well as hereafter; — what could it have been at its first appearance but a sealed book to those who were, (as almost all then were, as too many are even now) entirely unprepared by their previous knowledge for any such information? What could it have been, in all ages indeed, but a standing contradiction to the course of divine providence in regard to every other branch of humanly attainable knowledge? We have no sort of doubt that all the incidental statements which it does make, are in full accordance with what the true philosophy of man, as learnt by observation, has to disclose. And this belief is to our mind only a stronger motive to the faithful and independent study of that philosophy. The harmony of Scripture with itself, the truth and fitness of its representations of man, the force and meaning of its moral precepts, cannot be fully seen, until the nature of man and the laws of the universe as they bear upon it, are fully known.

We cannot here enter on any discussion in detail of the arguments by which Dr. Wardlaw has endeavored to defend his main position. Such a discussion would lead us too near

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the limits of controversial divinity. As to the correctness or incorrectness of the theological views on which they profess to be founded, or the degree of precision with which Dr. Wardlaw has stated them, it is not our intention to say anything. So far as the arguments themselves are urged against the study of mental and moral science, on the same principles and in the same manner with every other science, it is hardly necessary to say that we consider them to fail entirely of their object.

Of Dr. Wayland's work, if we have not spoken so much at length in this article as its merits might seem to require, it is because its eminently systematic and condensed character, preclude all hope of doing justice to it by any analysis or direct criticism, either of the whole or of any detached portions. We have preferred to vindicate the propriety and importance of the study of which it treats, and to offer some remarks on the proper mode of pursuing it. If, by this course, we can induce our readers to study the work for themselves, we shall have done them a better service, than we could by any extracts or detached criticisms. As a whole, without making ourselves responsible for every one of its conclusions, we may say that we consider it a highly valuable work, and one likely to do not a little in producing the reform in our course of education, of which we have been endeavoring to urge the necessity. We could have wished to find in it a greater amount of illustration, not only for the sake of giving interest to the work, but also as an essential in some cases to its full comprehension by merely casual readers. The author of such a work, it is to be presumed, will be by far the best illustrator of his own views, and he should not therefore leave the task, in any considerable degree, to others. Future editions, of which we hope there may be many, might be advantageously enlarged in this respect.

Since the appearance of the second edition of the work which we have been noticing, Dr. Wayland has published an abridgement of it for the use of schools. Of this step we can hardly speak too highly. It is, as we have already stated, more than time that the study of Moral Philosophy should be introduced into all our institutions of education. We are happy to see the way so auspiciously opened for such an introduction. In its general style and illustrations the smaller work appears to us to have been the result of more labor on

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the part of the author, than the larger work itself. Indeed, as he himself informs us, it has been "not merely *abridged*, but also *re-written*." We cannot but regard the labor as all well bestowed. The difficulty of so choosing our words and examples as to make them intelligible and interesting to the child, is very great. The success with which Dr. Wayland appears to have overcome it, is in the highest degree gratifying. We have no doubt that its circulation and utility will far more than repay its author for the pains he has taken with it.

In conclusion, we may be allowed to express the hope, that the science whose claims we have been considering, may not long continue to labor under the comparative neglect, of which it has been our present task to complain, and that, whenever we may again approach the subject, it may be to express ourselves less in the language of complaint, than our sense of what was required by truth, has compelled us in this instance to adopt.

ART. III. — *The Alcestis of Euripides, with Notes.*

1. *The Alcestis of Euripides, with Notes, for the use of Colleges in the United States.* By T. D. WOOLSEY, Professor of Greek in Yale College. Cambridge. J. Munroe & Co. 1834. 12mo. pp. 124.
2. *The Antigone of Sophocles, with Notes, for the use of Colleges in the United States.* By T. D. WOOLSEY, Professor of Greek in Yale College. Cambridge. J. Munroe & Co. 1835. 12mo. pp. 124.

A FEW years ago, the Greek classical studies of our schools and colleges were mostly confined to books of extracts. If we were to judge of the progress of taste, by a comparison of the works mentioned at the head of this article with those to which our courses of public instruction have heretofore been limited, we should be far from thinking that the love of ancient letters is on the decline. It may be true that the present age has but few scholars like the Scaligers, Casaubons, and Bentleys of days departed; but such mighty names are not of frequent occurrence in the literary history of any age. And yet the Hermanns, Boeckhs, Thirsches, to say nothing of living

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scholars in England and the United States, will stand a fair comparison, in point of wide and deep learning, with the most celebrated names in the annals of scholarship, while in elegance of taste, and the arts of composition, their superiority is immense and unquestionable.

But as a good education now means a great deal more than a knowledge of Greek and Latin, classical learning is not held in such exclusive estimation, as it has been in times gone by. Hence some people are naturally led to think that the study of ancient letters is fast losing the public regard. This study has gone through a change, it is true, but a change, leading to a broad cultivation of the understanding, and furnishing the means of a just, as well as liberal estimate of the value of the classics. The endless field of modern literature is opened to the student of polite letters; and he is taught that taste and genius were not the exclusive possession of the Greeks and Romans. He is allowed to form his judgment by comparing the master-pieces of antiquity, with the kindred works, which have upon them the freshness and glow of modern thought. Thus he may set Homer by the side of Dante, Tasso, Milton, or the Book of Heroes, and the mental exercise involved in doing so is not only delightful by itself, but the comparison will throw a new light on the wonderful genius of the old bard of Greece. Æschylus and Shakspeare may be read together; and the lover of English poetry will be at least entertained by the beautiful analogies, both in thought and expression, between the two greatest masters of tragic passion. Sophocles and Euripides may be finely illustrated by a parallel course from the dramatic poems of Alfieri, Schiller and Goethe, as well as by the curious contrast of the miscalled classical drama of France. The express imitations of the classics, by the poets of modern Europe, also afford the tasteful reader an agreeable subject of comparison. Milton's Sampson Agonistes has the daring sublimity of the Prometheus Bound. Goethe's Iphigenie auf Tauris has the tenderness of Euripides, with the exquisite finish and just sense of harmonious proportion, which belong to Sophocles. The Agamemnon, Antigone, Orestes and Alcestis of Alfieri bring upon the scene the chief personages of the Attic drama, invested anew with dramatic life. This illustrious poet is not perhaps the best example of the modern classic style. The heroes of his poems breathe a fury too much like the violence of his own head-

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strong passions, for the sustained dignity and sculpture-like simplicity of Attic tragedy. Orestes, in particular, is always in a storm, and *will* exclaim, over and over again, "Oh, rabbia," in the very teeth of the usurper, when the fulfilment of his revenge, his own life, and the life of his friend, are suspended on the issue. Ægisthus is a modern villain, though some of his speeches show a spirit of classical propriety worthy the best days of Athens. His soliloquy, on approaching the palace of Agamemnon, is full of terrific sublimity. These and other dramas of Alfieri, on Greek subjects, afford an interesting and instructive commentary, both by their beauties and faults, upon the theatrical literature of Athens. In this way it is easy enough to show, that a wide study of modern literature, which the opinions of the age favor daily more and more, will strengthen rather than weaken a discriminating love of the ancient classics. It will sharpen the judgment, and refine the taste; for both judgment and taste are more the result of many comparisons and of gradual approximation, than is apt to be supposed. The kind of taste for ancient literature thus acquired, a love of antique poetry for poetry's sake, is doubtless more common now, than it has ever been before.

The two poems which Mr. Woolsey has chosen for commentary and publication rank justly among the most delightful works of their respective authors. In point of morality they reach the highest point of heathen purity. In general excellence of style they are unsurpassed, and in some passages unequalled.

The form in which Mr. Woolsey has given these works to the public is neat and convenient; and they are printed with Mr. Folsom's well known accuracy. The text of the Alcestis selected by Mr. Woolsey, is that of William Dindorf, contained in the Poetiæ Scenici Græci, published at Leipzig and London, in 1830. This text has received the approbation of Hermann, from whose judgment in such matters there lies no appeal. In the course of the drama Mr. Woolsey has introduced a few variations, supported by good authority, but in the main has followed Dindorf. A well written preface contains a clear statement of the subject matter of the play, with a critique on the several characters brought out in the development of the plot. A brief but comprehensive view of the poetical genius of Euripides, in which his beauties are pointed out, and his faults touched upon, with a discriminating

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hand, gives additional interest to the volume. The body of notes at the end are remarkable for a union of deep learning, acute judgment and fine taste. Every scholar, familiar with the Attic drama, must have felt the extreme subtlety of the tragic style. Written as these poems were, to undergo the searching criticism of the most fastidious people, on whose severe judgment the poet's triumph or defeat was depending, they were wrought up with consummate art, out of the materials furnished by the most copious and flexible of languages. Besides this, an intense feeling of nationality was to be conciliated. The history of renowned ancestors, the exploits of heroes and demigods, were to be chanted in choral songs, intermingled with moral and religious reflections, naturally suggested by the downfal of mighty families, and the awful retributions of fate, which were the groundwork of most of them. The difficulty of understanding them is still farther heightened by the obscure allusions to remote historical events amidst the highest strains of lyrical poetry uttered in the forms of the venerable Doric. The Attic drama is moreover idiomatic to the last degree. Expressions growing out of the manifold relations of cultivated life, mingled with forms of speech naturally springing to the lips of a people who were lovers of war and rulers of the sea, make it necessary to build up anew in our imaginations the structure of Athenian Society, if we would enter fully into the spirit of the raciest portion of their literature. A commentator, therefore, on the Attic tragedy, ought to be at home in the whole circle of Greek history and fable, beside having a taste trained to feel the delicate blending of shades of meaning, in the finely linked constructions of poetry. The commentaries to these two tragedies show the qualifications we have pointed out, in a high degree. In discussions of the merits of different readings, so far as he enters into them, Mr. Woolsey exhibits a nicely balanced judgment that entitles his opinion to great respect. In unravelling the most curious constructions, his precision and acuteness are admirable. Every Greek scholar feels how much the force and beauty of Greek composition depend on the skilful arrangement of a great variety of particles. In the explanation of these, commentators have had but little success, as any one will see by looking into the common editions of Greek authors. But the exactness with which Mr. Woolsey renders single particles and combinations of particles by good English equivalents is really

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surprising. Those who are wont to think the dead languages, as they are called, widely, if not wholly different from the living, will be astonished to see how nearly many of the most peculiar, and, at first view, untranslateable words and turns of phrase are given in the homely but expressive idioms of our own Saxon tongue.

It cannot have failed to strike the tasteful reader that many learned commentators on the classics have been wanting in some of the qualities most necessary to a philosophical criticism. Spending their lives in the study of grammatical niceties, poring fourteen hours a day over manuscript readings, and conjectural emendations, and choral metres and allegorical interpretations, the fountains of sympathy with human feeling have been dried up in their bosoms, the majestic forms of nature have become lifeless to their eyes, and the myriad voices, uttered from every part of God's world, have grown unmeaning to their souls. The friendly collision of mind with mind in the common intercourse of life, the genial glow of thought in conversation, the softening, refining, animating influence of cultivated society, touch no responsive chord in their hardened natures. For they,

> " Bereft of light, their seeing have forgot,
> Nor to their idle orbs doth sight appear
> Of sun, or moon, or star, throughout the year,
> *Or man, or woman.*"

They think every hour given to the calls of friendship, or the amenities of life, lost to the world because it is lost to their barren studies. They are stiff, dry, formal, pedantic; and they write over their study doors, such sage apothegms as "Temporis fures amici." How can such people feel the spirit of tragedy, or understand the inspiration of the lyric muse? There have been some learned commentators, to whom these remarks will not apply. Mitscherlich's notes on Horace are touched with the delicate taste of his author. Heyne's commentary on Homer shows a fine appreciation of antique poetry, in the midst of an amazing mass of scholastic erudition. Bloomfield's Æschylus has some specimens of eloquent criticism and beautiful illustration. Arnold's Thucydides exhibits no small amount of minute learning, with a skilful application of all the resources of modern geography and topography, to the clearing up of obscure passages in the difficult text of the histo-

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rian. Now, in these two tragedies, there are many passages of surpassing beauty and tenderness, which Mr. Woolsey has not passed by unnoticed, like most commentators, or with a cold, anatomical dissection; but his remarks on them are animated by a feeling appreciation of their exquisite spirit, and show a profound knowledge of the niceties of Greek construction happily blended with a taste exercised in the higher criticism of sentiment, passion, and character.

The tragedy of Alcestis has been considered the most remarkable of all the plays of Euripides, for tenderness. The conception of the principal character is touching and beautiful. Admetus is doomed by the terrible decree of fate to an untimely death. Apollo has gained by some art, a hard-wrung consent to spare his life, on condition of another's dying in his stead. His friends and kindred, even his gray-haired father and mother refuse to save the ill-starred Prince. But his young and lovely wife Alcestis resolves to rescue him from his impending fate. This is the leading idea of the play. It is obvious that to carry out this idea in a consistent delineation of character, is no common effort of dramatic genius. It is obvious too that the plot has some difficulties at first sight, which are not easily gotten over. To make us look with complacency on a lovely woman laying down her life for her husband, that husband ought to be a worthy object of such self-forgetting love. But if he asks the sacrifice or even consents to it, he shows a selfish clinging to life wholly at war with that greatness of soul, which can alone bring our feelings into harmony with the action. It must be confessed that Euripides has not kept this revolting view of the plot sufficiently out of sight. The opening scene in the drama gives us the impression that Admetus has gone about among his friends to beg some one to die for him, and that when they all turn a deaf ear, he consents to the death of his wife. Of course, we despise him as a paltry, heartless coward. This impression is strengthened by the indecent language he utters, when his aged father comes to condole with him in his bereavement. But if we look a little more closely into the poem, our first impression is somewhat softened down, and the conduct of Admetus towards his father seems less hateful, on the supposition that the poet meant to represent him so overwhelmed by calamity, that he lost all self-command, and forgot, in the bitterness of sorrow, the respect due to the author of his being. The plot, however,

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must still be considered faulty in these particulars. Alfieri has treated the same subject, in perhaps the most beautiful of his dramas, the *Alceste Seconda*. In unfolding the action, as he conceived it, the Italian poet has brought the redeeming considerations we have touched upon above, into strong relief. So far, therefore, his play is a decided improvement upon Euripides, though in some other points it falls far short of antique simplicity, both in sentiment and situation.

But setting these intrusive suggestions aside, and taking the character of Alcestis by itself, we must pronounce her one of the most exquisite creations of poetry.

> "She was one made up
> Of feminine affections, and her life
> Was one full stream of love, from fount to sea."

She is a being with whom all thought of self is merged in an absorbing love of those to whom she is bound by conjugal and maternal ties. Her character is drawn with unsurpassed delicacy, and every word she utters is in the strictest keeping with the spirit of a noble-minded woman. The scenes between herself and Admetus, when she is about to die, are beautifully imagined. Indeed the poet had upon his hands no common task when he undertook to delineate a being so soft, yet so firm, so gentle, yet so heroical. He had to represent, not merely a woman with the delicate lines of her moral and intellectual character, her quick perceptions, her swiftly changing shadowy trains of association, her imaginative affections, and her overwhelming sensibilities, — but a woman, who, besides all these, was moved by the tenderest love of the wife and the mother; from whom a husband is about to be torn by the will of Destiny; whose children are soon to feel the evils of orphanage. Still more, the will of destiny at last relents. Her husband may be spared but she must die. This is the point where all the feelings of the woman, whose life has been blessed in the possession of a beautifully harmonized spirit, a husband's love, and a mother's joy, to whom the earth, the air, the clouds, the stars, had been perpetual ministers of happiness, sweep over her agitated soul with an overwhelming power. Her husband's life is saved; that is the grand aim of her heroical suffering. But she must leave forever the home of her happiness, and her children must lose forever a mother's love and care. She comes abroad to look for the last time on

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the light of heaven. She gazes on the long familiar scenes about her, and the solemn vision of approaching death wrings from her trembling spirit some natural words of sorrow which fill her husband's heart with agony. The destiny of her son and daughter, stir anew in her bosom the tender feelings and anxious forebodings of maternal love. In her farewell to Admetus, she speaks in a tone of the utmost propriety at that sad hour, of the claim her sacrifice of life has given her upon their grateful recollection; and the reply of Admetus breathes the softest spirit of tender melancholy.

It is obvious that it requires a genius touched to the finest issues to support, consistently, the character of a delicate and lovely woman through such heart-subduing scenes, and under such conflicting feelings; and no one who reads the poem attentively will deny Euripides the praise of having completely overcome the difficulties of the problem.

This character is the more remarkable because the feelings unfolded in it are not often brought out in so strong a light by the Tragic poets. The personages of the Attic drama, it has been well observed, have more of the severe simplicity of sculpture, than of the blended harmonies of painting. The affections springing from domestic life, though several memorable examples show that they were well understood, and deeply felt, are not the ordinary groundwork of ancient tragedy. The terrible power of Destiny, which appears in a tempered form in this piece, and human strength battling against it, are the grand central ideas, around which the circle of tragic emotions mostly revolves. But yet, under every form of civil society and religious faith, the ruling feelings of the human heart, the conjugal, parental, and filial affections, and reverence for the source of all good, will from time to time, burst out in the higher creations of poetry, with a brightness that cheers and warms. In moments of poetical enthusiasm, the kindling soul, even of the heathen bard, seems to rend asunder the veil of ignorance, weakness and doubt, and to have a sudden comprehension of those truths, dimly shadowed out by tradition, but set in broad sunlight by the christian revelation. Hence the elysium of Pagan mythology, — hence the anticipation of a life to come by the hero of the Iliad, when he mourns in agony over his fallen friend, — hence the assured hope uttered by Admetus, of dwelling with his wife, in that world of spirits to which she is hastening.

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We venture to offer a translation of the scene already referred to. Our translation has no other merit than closeness to the original. After a dialogue between the chorus and a maid-servant, in which the situation of Alcestis is pathetically described, and the reason given for her appearance, the servant adds,

> " He weeps, his dear wife holding in his arms,
> Beseeching her that she will not forsake him,
> And asks what may not be; for she, bereft
> Of strength, and wasting with disease,
> Is wearing to the grave; a hapless weight
> Upon her husband's arms; but yet desires,
> Though scarce a feeble breath of life remains,
> To look once more upon the light of day."

This is followed by a further dialogue between the two divisions of the chorus, and then the scene ensues, which the servant has sufficiently accounted for.

" *Alcestis.* Thou sun and light of day,
And heavenly circuits of careering clouds, —

Admetus. Beholding thee and me, o'erwhelm'd with wo,
Guiltless of crime, yet art thou doom'd to die.

Alcestis. Thou native earth, — and thou protecting roof,
Thou wed-bed, in my own Iolcos laid.

Admetus. Rise up, poor sufferer, and forsake me not,
But pray the mighty gods to pity us.

Alcestis. I see the two oar'd boat; the boatman of the dead
Is beckoning me, his hand already on the oar.
'Why lingerest thou? haste on; — my task brooks no delay:'
Thus Charon hurrying, bids me to the realms below.

Admetus. Alas! the voyage that thou speakest of
Is full of wo to me: oh! wo is me.

Alcestis. He leads me — seest thou? — to the chamber of the dead;
'T is winged Hades, with his darkly flashing eye
Gleaming beneath the shadow of his awful brow.
What wilt thou do? oh spare me; wretched is the way I tread.

Admetus. Wretched to all, but most of all to me,
And these thy children who must share my wo.

Alcestis. Oh let me go; oh lay me down to die;
My feet are tottering, death is pressing on;
Dark night already o'er my eyelids creeps.

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My children, see, your mother is no more.
Farewell, my children, take my last farewell,
And live rejoicing in the light of day.

Admetus, Alas! these words of sadness that I hear,
Are harder than the pangs of death to bear.
Forsake me not, by all the Gods I pray,
And by thy children, whom thou leavest orphans;
But take new strength, and rise from sickness up.
For shouldst thou die, I can no longer live:
My life and death on thee alone depend,
For I regard thy love with reverence.

Alcestis. Admetus, — for thou seest my present state; —
I wish to tell thee, ere I die, my prayer.
I held thee dearer than my life, and now
At life's dear cost, I give thee yet to see
The blessed light, and for thy safety die;
Although I might have lived, and wedded whom
Of the Thessalian lords I will'd, and dwelt
Amidst the splendors of the kingly state.
But torn from thee, and with my children orphans,
I would not live, and all the gifts of youth
In which I joy'd, I willingly gave up.
And yet thy father and thy mother left thee,
Although it well beseem'd their hoary age
To die with glory, and to save their son.
For thou alone wast given them, and no more,
If thou shouldst die, could any hope remain
Of other offspring, in their lingering years;
And we together had lived out our days,
Nor thou hadst mourn'd thy wife too soon laid low,
Nor seen thy children orphans; but this doom
The Gods decree, and we must bow thereto.
Well, be it so; but hear my only prayer; —
Not that an equal favor I shall ask,
For nothing is more precious than our life, —
But justice only, as thyself wilt say.
Thy love for these thy children equals mine
If thou dost think aright; sustain them then
To be hereafter masters of my house;
Nor set a step-dame o'er my children's head,
Who feeling not the love I bear, shall lay
On our dear ones, the envious hand of hate.
Oh! I beseech thee, let it never be.
A step-dame set o'er offspring of another
Is nothing gentler than a viper towards them.

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A son indeed hath in his father's love
A bulwark to protect his youthful years,
Exchanging with him question and reply.
But thou, my daughter, how wilt thou pass through
Thy virgin years, in honorable state?
And what will she, thy father's bride, be to thee?
Oh, may she never fasten on thy name
Some low-born slander, that in bloom of youth,
Shall blight thy fame, and blast thy nuptial hour;
For thou wilt have no mother at thy bridals,
No mother's soothing in the throes of child-birth,
When naught is kinder than her gentle care;
For I must die, — not when to-morrow comes,
Nor some more distant, and uncertain day,
But even now am number'd with the dead.
Farewell, then, and be happy; thou mayest boast
That thou wast wedded to the best of wives,
And ye, of springing from the best of mothers.

Chorus. Be calm; for I fear not in his behalf
To give my faith that he will do thy will,
Unless he turn from reason's path away.

Admetus. It shall be done, it shall be done, fear not;
Since in thy lifetime thou hast been my wife,
In death, too, thou alone shalt bear the name,
And no Thessalian bride shall call me husband,
Be she the daughter of a high-born sire,
Or loveliest in the beauty of her form.
I pray the Gods to grant a father's joy
In these my children, since I have no more
The dear delight thy gentle presence gave.
And I shall mourn thee, not one year alone,
But every day my lingering life holds out,
Scorning my father, hating her who bare me,
Who show'd their love in idle words alone.
But thou didst save me, yielding for my life
All that was dearest; must I not then mourn
My sad bereavement of a wife like thee?
Yes, — cease the festal throng, the social scene; —
No more the wreath, and music's dulcet strain,
In these lone halls, where they but lately reign'd.
For I can never touch the lyre again,
Nor stir my spirit to the Lybian flute,
Since thou art gone, and joy is fled with thee.
The Sculptor's cunning hand shall shape thy form,
And I will lay me fondly by its side,
Enfolding still within my eager arms

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The marble semblance resting on my couch,
And speak thy name, and press the lifeless form,
And think I hold thee, though I hold thee not.
I know indeed, 't will be a chilling joy,
But it will lift the burthen from my heart.
And in my dreams oft coming thou wilt cheer
My sadden'd spirit, while my senses sleep;
For e'en in shadowy visions of the night
'T is sweet to see the loved one stand before us,
Though swiftly flits the well-known form away.
If Orpheus' voice and wondrous song were mine,
That Ceres' daughter and her mighty lord
Subduing by the magic of my strain,
I might from Hades bring thee to the day,
I would descend, and neither Pluto's dog,
Nor Charon at the oar, the guide of ghosts,
Should hold me, ere I sped thee back to life.
But since I may not, wait my coming there
When I shall die; — and have a home prepared
That we may dwell together in that world.
For I will bid them lay my breathless corse
In the same cedar, side by side with thee;
For I will not be sunder'd e'en in death
From thee, who hast alone been faithful to me."

Of the farther development of the plot, and the issue of the drama, but little remains to be said. The burthen of the following dialogue is the mourning for the death of Alcestis, and the celebration of her virtues. The choral songs grow naturally out of the situation of the dramatic characters, and some of them are eminently beautiful; this is particularly true of the song in praise of Admetus, beginning at line 569, and that on the irresistible power of Fate, beginning at line 962. The character and conduct of Hercules, bring to light some curious traits of ancient life. As he is quite a subordinate personage, so far as the main interest of the poem goes, an example of high intellectual dignity will scarcely be required of him. But with all his boisterous and unseasonable merriment, he is actuated by noble and generous feelings. As soon as he learns the fate of Alcestis, he resolves to restore her to her husband's arms; and as he is the son of a god, and as the descent to Pluto's kingdom was no uncommon adventure in those old times, it will not do to be over sceptical about his ability to accomplish his resolution. The final issue of the piece is not unnatural, according to the mythological notions of the Greeks, and, making due allowance for differences of time,

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religion, and character, is not unlike, as Mr. Woolsey intimates, the conclusion of Shakspeare's Winter's Tale.

The Preface and Commentary to Antigone, are even more creditable to Mr. Woolsey's ability, than those to Alcestis. The sketch of the poem, in the preface, is written with clearness and brevity. The difficulties in this play, that call for a commentator's explanation, are far more numerous, than in the Alcestis. Besides the many subtle forms of expression in the iambic dialogue, the choral songs, rising to a high strain of lyrical boldness, abound in far-sought and fabulous allusions, which heightened their effect on an Athenian audience, familiar from childhood with the whole circle of mythological tales, but which are a terrible stumbling block to the modern reader. Even the fine song of triumph, almost at the opening of the poem, has difficulties of text, of construction, and of allusion, which have given rise to a wide diversity of opinions among the commentators. And in that most intricate passage, beginning at verse 944, there are entangled expressions, of which no satisfactory meaning can be made out. In Mr. Woolsey's commentaries on these, and numberless other knotty passages, he puts them together in a more intelligible form, and shows a sharper perception of delicate shades of meaning, than we have ever met with, in explanations of any other edition whatever.

The style of Sophocles differs in several particulars from that of Euripides. The former had a more creative imagination, and dealt more in an ideal elevation of character, than the latter. It was, therefore, more natural for him than for Euripides, to select a form of language removed from that of daily life; and his choice of words is in accordance with the tone of his mind. He clothes the calm dignity of his thoughts, in elevated expressions, polished to the last degree. In every language, there are turns of phraseology, which have gone out of use for the common purposes of life, but have a solemn effect when brought into devotional exercises, and the higher kinds of poetry. This portion of Greek was probably greater than the corresponding part of other languages, being drawn from the copious springs of Homer's early epics, and Hesiod's venerable poems; and it probably admitted of being used with greater power, because the education of the young men of Athens imbued their minds with a love of ancient poetry, which was fostered afterwards by hearing it chanted at the Panathenaic festivals. Sophocles availed himself of this por-

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tion of the Greek language and this taste of his countrymen, with consummate art. He selected the most refined phraseology of his day, but softened it down with the mellow tints of antiquity; he heightened its effect by mingling with it venerable forms of expression, with which an Athenian's pride of ancestry and patriotic recollections were closely allied. In this respect, Sophocles is not unlike Milton, whose stately muse assumes a greater majesty, by investing herself in a certain antique gravity, beyond the usage of the age, in which his poems were composed. But the style of Euripides was hardly above the tone of polished society in his own day. It is elegant and flowing, often negligent and diffuse, sometimes highly expressive, but never reminds the reader of the heroic simplicity of Homer. Setting aside the metre and a few poetical ornaments, it is little above the language which we may easily imagine Athenian gentlemen to have used in the discussions and conversations of their symposia. Hence Sophocles requires more labor to understand him, than Euripides. He is also more elaborate and methodical in the structure of his plot, than Euripides. The dialogues of the latter often run into long sophistical arguments, which have little to do with dramatic propriety. The dialogues of Sophocles are always compact, and to the point. In almost every one of his poems, there is a leading idea to which all the details are subordinate and in proportion; in other words a strict unity of subject, an harmonious development, and a regularly increasing interest.

Sophocles had also a more poetical and powerful conception of destiny, than Euripides. This profoundly mysterious power, appears under different lights, according to the age and individual character of the poet. In Homer, it is irresistible and omnipotent. In Æschylus, it has the same general attributes, but is more dark, gloomy and terrible, holding Jupiter himself in its inextricable meshes. In Sophocles, it is still terrible, but offers the consolations of religion, and the idea of atonement by death, even while it overwhelms with calamity involuntary crime. In general, as conceived by the tragedians, it was the hidden source from which human events took their unalterable direction, against which it was in vain for man to struggle. Sometimes it appears in the form of a curse, pronounced upon some particular family, and extending down to remote generations. In this form, it is the source of the deepest tragedy, and gives rise to those contests of man

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with the course of events, which call out his mighty energies and display him in his most godlike attributes, at the very moment when he falls under the power of an overwhelming destiny. It is plain that the conception of fate rests on the same foundation as modern predestination. The problem of reconciling fate and freewill, was the same as that started in later times of harmonizing the foreknowledge of an omniscient Being, with voluntary, and therefore responsible moral action. It is not clear that the ancients conceived of fate as wholly consistent with human freedom. It seems likely that their views, in this respect, were not very well defined. They certainly represent man sometimes in the light of a victim to a destiny which he can neither foresee nor overcome, — and this is a source of unmitigated terror. But yet, as conscious freedom is inborn in the human soul, we cannot easily represent to ourselves a human will wholly fettered by an all-controlling destiny. The Œdipus Tyrannus is the most thorough display of the power of fate within the whole circle of ancient tragedy. But if we look at the drama from a point of view from which it may very properly be considered, we shall see a striking parallel of action between the doings of freewill, and the train of events laid by inexorable fate. The doom of the principal personages in it, is twice foretold. Laius is warned that he is to die by the hand of his own son, and so is left free to choose whatever mode he will of escape. Œdipus is forewarned that he will slay his father and marry his mother; his horror at the thought of such crimes, leads him to take what he supposes the shortest way of preventing their fulfilment. And yet the father and son, while acting out their own freewill, bring about the very catastrophe, they were both doing their best to escape. Laius exposes Œdipus to death; the infant is saved, and grows to manhood, ignorant of his parentage. When the oracle reveals to Œdipus the horrible destiny that awaits him, he turns his hasty footsteps from Corinth, meets his father, and the issue of that meeting is his father's death. Journeying on, he comes to Thebes, saves the city from destruction, and marries the widowed queen, his own mother. While he is king, a pestilence sweeps over the Theban people, because the blood of Laius is yet unavenged. The decrees which he proclaims, and the imprecations which he utters against the murderer, fall at last with desolating power upon his own head. Thus we are made to feel the

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terrors of an inscrutable destiny, which no human effort can change; but at the same time we see that the tremendous catastrophe is wrought out by a series of actions flowing from the spontaneous agency of free human will.

These preliminary considerations are necessary to a just view of Antigone; a play in which several important points of ancient feeling and character are beautifully illustrated. In the Œdipus at Colonos, the involuntary parricide has expiated his crimes, if crimes they may be called, by a solemn and mysterious death. But the evil destiny of the house of Labdacus, still clings to his unhappy offspring. The two sons agree to reign alternate years, but discord springs up, and the occupant of the throne refuses to yield to the just claims of his brother. His brother flies to Argos, and marches thence upon Thebes with a warlike host of allies. The invading army is defeated, and the two brothers are slain by each other's hands. At this point in the evil destinies of the house of Labdacus, the action of the Antigone commences; but before we proceed to consider it, we venture to quote a striking passage from one of the choral songs, in allusion to the miseries of that ill-fated race.

"Happy, whose life is free from taste of ill;
For when a house is whelm'd by heavenly wrath,
Wo never fails, but steals from age to age,
As when the billow urged by Thracian blasts,
And roll'd above the sea-swept erebus,
Heaves up the dark, and tempest-driven sand
From the abysses underneath the sea,
And the lash'd shores re-echo with the sound.
The olden woes of Labdacus I see,
Falling anew on his devoted house;
Nor his doom'd race, their fatal birth can flee;
God smites them down, and they shall rise no more."

The ground-work of the Antigone, may be explained in a few words. After the defeat of the Argive host and the mutual slaughter of the brothers, Creon, king of Thebes, honors the body of Eteocles with funeral rites, but forbids, under penalty of death, the burial of Polynices, the leader of the invading army. Antigone, their heroic sister, and the betrothed bride of Creon's son, resolves to brave the tyrant's power, by bestowing funeral honors on her fallen brother. She tries to persuade Ismene to join her in this pious duty,

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but being unable to overcome her timid sister's fears, sternly braces her spirit to the solitary task. She fulfils her purpose, and is at last discovered. She boldly acknowledges the deed, and offers a noble justification, but is condemned to be buried alive. Hæmon, her betrothed husband, endeavors earnestly, but in vain, to soften his father's cruel temper, and kills himself in despair before the lifeless body of Antigone. Creon now feels the bitter consequences of following his own lawless will, and trampling under foot the laws of heaven. His haughty spirit is stricken to the earth, under the heaviest blows of domestic calamity. This is an important part of the moral.

To feel the whole force of the motives under which Antigone acted, we must bear in mind that the ancients regarded the loss of funeral honors, as the last and heaviest of misfortunes, and to perform the rites of burial with just solemnities, was the most sacred duty the living owed to the dead. The spirit of the unhappy man, whose body lay deprived of sepulture, went down unhonored to the shades, and was doomed to wander restless and moaning, until some pitying hand scattered over the corpse the burial dust, and poured the sanctifying libation. Hence the tyrant chose this punishment as the most forcible expression of his anger, and the most fearful form of vengeance. Hence it became an imperious dictate of natural law with Antigone, to bury her brother. The struggle then lay between the fear of offending against the will of heaven, and the principles of everlasting duty, and the obligation to obey the edicts of human power. The end and moral of the whole matter, is the triumph of virtue over human weakness, and of strong principle over the crushing weight of despotic will.

The character of Antigone is one of the noblest conceptions of antiquity. In the delineation of it, the poet shows an exalted view of the relations of domestic life, and a profound knowledge of the human heart. As a daughter, she appears in a beautiful light, through all the tragic scenes of the Œdipus, at Colonos; wandering with her blind and gray-haired father, and bearing without a murmur, the utmost ills of exile and want. With the same elements of a tender, firm, and lofty character, she appears again, in the poem which bears her name, under other strongly agitating influences, but still true to the integrity of her nature. She has a duty to perform, in obedience to the voice of conscience, and she follows it out, with an unfaltering purpose, to its terrible consequences. She

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blends the softest affections of the woman, with sacred principles and unshaken honor. She is the betrothed bride of Hæmon, loving and beloved; but while a binding duty is unperformed, she allows no softer sentiment to gain the mastery over her soul. By the strength of inborn virtue, she holds in abeyance the mightiest feelings of the heart, until the struggle is over, and her doom is sealed. But then the tenderness of her nature, which had before shone out in partial glimpses, sweeps over her spirit like a tide of many waters. The vision of lost happiness, — of wedded and maternal love, now never to be enjoyed, — passes before her, and forms a beautiful contrast to her former lofty bearing, in the sweetest strains of her last dying song. The poet allows the sentiment of love to enter into and give a coloring to the character, but with consummate taste, keeps it subordinate to the high moral purpose she is destined to accomplish; yet when that purpose is accomplished, the strong feelings of the heart resume their sway, and in the last moments of life, temper down the stern sublimity of her character to all the softness of a woman's nature. The exquisite propriety of this change of tone, is one of the happiest strokes of the art of Sophocles.

The following scene is almost literally translated. Antigone is brought before Creon, having been discovered, while performing funeral rites over her brother's body.

"*Creon.* Thee, thee, of earthward bending look, I ask;
Dost thou confess, or dost deny the deed?

Antigone. I do confess it; I deny it not.

Creon. Thou mayest betake thyself where'er thou wilt,*
Free from all peril of this heavy charge.
But thou† — tell briefly, nor with many words,
If thou didst know it had been heralded,
That none should bury Polynices's scorse.

Antigone. I knew, — how not? — for 't was proclaim'd to all.

Creon. How didst thou dare then to trangress the law?

Antigone. It was not Jove that utter'd this decree,
Nor Justice, dwelling with the gods below,
Who did ordain these burial rites for man.
Nor did I think thy will possess'd such power,
That thou, a mortal, couldst o'errule the laws,
Unwritten and immovable, of God.

* To the guard. † To Antigone.

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For they are not of now or yesterday,
But ever live, and none knows their beginning;
Nor would I, through the fear of human pride,
For breaking them, be punish'd by the gods.
For I knew well that I must die; — how not?
Without thy loud proclaim; and if before
My time I die, — I think it gain to die;
For how can one, whose life is circled round
With woes like mine, *not* think it gain to die?
A doom like this stirs up no grief in me;
But had I left my mother's child to lie
Unhonor'd and unburied on the plain, —
Aye, *that* were grief; — I feel no grief for *this*.
And if so doing, I am thought a fool,
He is the fool, who dares to think me so."

The other characters in Antigone are drawn with much more care and completeness than those of the Alcestis. Ismene is a distinct, individual personage, with some traits of exquisite beauty. She is weak and irresolute at the moment of trial; but when the action is over, and her sister is going to her doom, she boldly determines to share her fate. Creon, the tyrant, is vigorously drawn and represents in a strong light, the effects of despotic power, and self-willed temper on the character of man.

We conclude this notice, by again expressing our satisfaction at the appearance of these works. They are not only honorable to the taste and talent of Mr. Woolsey, but will bring reputation to the classical scholarship of our country. Among all the books of this kind, prepared either at home or in England, for students and private readers, we are not acquainted with any, which are equal to these in variety of merit. Trollope's Pentalogia, does not bear the slightest comparison with them, in copiousness, elegance, or value of the commentary. The series of Tragedies for schools and colleges, published by Valpy, and edited by Major and Brasse, are useful books on the whole; but the notes are mostly dry verbal discussions, often showing a *curiosa felicitas* in misunderstanding the poetical spirit of the passages attempted to be illustrated. We are glad to learn that Professor Woolsey is at work on two more tragedies, the Prometheus Bound and the Electra. When these shall have been published, the lovers of classical literature will be provided with a series of the master-pieces of the

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Attic drama, illustrated by the blended lights of grammatical, philological and historical learning, under the guidance of a discriminating judgment, and a ready sympathy with all that is beautiful in poetical inspiration, and sublime in moral sentiment.

ART. IV. *The History of Rome.*

1. *The History of Rome.* By G. B. NIEBUHR. Translated by JULIUS CHARLES HARE, M. A. and CONNOP THIRLWALL, M. A. Fellows of Trinity College. Cambridge, 2 vols. 8vo. First American from the London edition. Philadelphia, 1835.

WE are very glad to find that the English translation of this celebrated work is republished in our country. Among the multitude of European books, continually issuing from the American press, some of little value, and others at the best entirely worthless, it is truly refreshing to see such a work as Niebuhr's History of Rome. We believe it to be the opinion of all those who are acquainted with the work, that it sheds great light on this most important part of ancient history, and exhibits a far more complete and satisfactory view of the government and political institutions of Rome than can any where else be found.

The first edition of Niebuhr's History was published at Berlin in 1811 and 1812 in two volumes. The novel views presented of the Roman constitution and early history produced much excitement among the literati of Germany, and though it was severely criticised by some of the German scholars, its reception was on the whole very favorable. The author was encouraged to proceed in his researches, convinced, as he says, that the revival of Roman history was in accord with the spirit of the age.

In England and America these inquiries, which were the subject of much interesting discussion on the continent, were for some years scarcely heard of. In an article of this journal about thirteen years ago, containing a notice of the first edition of Niebuhr's History it was mentioned as the misfortune, not to say the disgrace of both countries, that a work

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of such transcendent merit should have been published for ten years and be yet so little known.

But for want of a translation the history was inaccessible to a majority of English readers. This obstacle no longer exists, and we are much gratified to have an English translation of the last and highly improved edition of Niebuhr's History. It was executed by Messrs. Hare and Thirlwall, of the University of Oxford, and has the advantage of being sanctioned by Niebuhr himself, who even furnished the translators with corrections that are not found in the German.

The first edition of the history had its origin in a course of lectures delivered by Niebuhr at the opening of the celebrated University of Berlin, commenced in 1810. Encouraged by the favor with which the lectures were received, not only by the students, but by the learned and intelligent of all classes, he was induced to prepare these lectures for publication in the first and second volumes of his history. But though the first effort of Niebuhr exhibited great learning and critical sagacity in investigating and analyzing the traditionary history of Rome, he saw, and no doubt more clearly than any of his readers or critics, that it contained many errors and defects. He freely acknowledges that though he had discovered the meaning of many an ancient mystery, yet more were overlooked, that in much he erred, and a still greater part was left in a disjointed condition, and feebly supported by proofs. His knowledge, he says, was that of a self-taught man, who had as yet been able to devote to study only such hours as he could withdraw from business. The leisure and the means for studying the history and antiquities of Rome under the most favorable circumstances were soon afforded to Niebuhr by the liberality of his patron the king of Prussia. Niebuhr, who had been the Prussian Ambassador to Holland in 1808 and 1814, was in 1816 sent by the king as his Ambassador and Minister Plenipotentiary to Rome. It was understood that the appointment was given to him with the special view, that the historian of Rome might pursue his researches on the spot, which was the scene of the events he was engaged in describing.

This monarch who is not only the founder of the two distinguished Universities of Berlin and Bonn, but who has carried into execution the best system that has yet been framed for the education of the youth of all classes in his dominions, has a claim on the gratitude of his subjects, such as no other sove-

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reign can boast. His example in this respect may well put to shame all other governments in christendom whether monarchies or republics.

On his return to Germany in 1823, he settled at Bonn, where he remodeled the first volume of his History, corrected the second, and drew up the plan of the third. The new light he had gained at Rome, and especially the rich sources of information opened by the discovery, and publication of the institutes of Gaius and Cicero's Republic, induced him to write the first volume anew, and make it in fact a new creation. His own opinion of it, as compared with the first edition, is thus expressed.

"The work I here lay before the public is, as the first glance will show, an entirely new one, in which scarcely a few fragments of the former have been incorporated. It would have been far easier to preserve the ground-work of the first edition; I resolved on the more difficult task, as the most expedient, from its giving unity and harmony to the whole. That whole, made up of this and the next two volumes, is the work of a man in his maturity; whose powers may decline, but whose convictions are thoroughly settled, whose views cannot change: and accordingly I wish that the former edition may be regarded as a youthful work." — p. 12.

The second edition of the first volume appeared in 1827, and was immediately translated into English by Messrs. Hare and Thirlwall, and published in England in 1828. But notwithstanding the intense, and we believe we may truly say unparalleled labor and research already bestowed upon this volume, the parental care of the author could not yet abandon it. He again revised it, and the third edition appeared in German, in 1828 and the English translation in 1831.

The first edition of the second volume was deemed by the author incomparably more matured and complete than that of the first, and as to a great portion of it he supposed there was nothing to correct and little to add, and that the revision of it would be an easy task. How far this opinion was correct will best appear from his own account.

"Under this notion I fancied that a revised edition might be accomplished in a few months; but ere long I saw clearly that, in spite of all scepticism, a critical examination of the facts would enable me to restore and establish a certain and credible history from the epoch at which this volume begins, and this being so,

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it became worth while to sift every particular with the utmost care, and during this period not to pass over, what in an age of great events would have been excluded as trifling. In like manner I perceived that the changes in the constitution might be traced step by step. Under favorable circumstances even this task might have been executed rapidly, like several disquisitions in the first volume; but that volume had left me in a state of exhaustion which was the consequence of the continued exertion of all my faculties, directed to a single object for sixteen months without any intermission except now and then a few days. My sight grew dim in its passionate efforts to pierce into the obscurity of the subject; and unless I was to send forth an incomplete work, which sooner or later would have had to be wholly remodeled, I was compelled to wait for what time might gradually bring forth; nor has he been niggardly, but though slowly, has granted me one discovery after another. I must, not however, omit that this exhaustion, which in fact resembled the dizziness of a person long deprived of sleep, excited a vehement desire for some different employment; and this led me most inconsiderately, having already such a task as this history on my hands, to engage in editing the Byzantine historians; which, along with other very laborious occupations, for instance the revisal of the third edition of the first volume, greatly impeded the progress of my plan after it had been twice recast; and as I wished to carry them all on together, my health, serenity, and clearness of mind for a time deserted me.

"At length I got quit of many of these interruptions; many of them were overcome; I again felt free and cheerful; the first sheets were written out, and were to be sent to the press the next morning, when the calamity which befell my house during the night, destroyed them all with the exception of a leaf that I happened to have lent to a friend. The materials however had been preserved, and my spirit did not fail, seven weeks after my misfortune, the lost manuscript was replaced, and the printing began." — pp. 6 — 7.

The second volume was published in 1830. The author had confidently looked forward to the completion of his great work, to which he determined to devote the remainder of his days. He considered it the work of his life, and which was to preserve for him a name not unworthy of his father's.*

* The reader will recollect that the father was Carstein Niebuhr, the celebrated oriental traveller, of whom a very interesting biography has been written by the historian. It has been translated into English by Professor Robinson, of Boston, and published in his learned Biblical Repository in 1832.

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These pleasing anticipations were soon to be disappointed. The author died January 2d, 1831, at the age of fifty-four. The following note of the translators will show the state in which the work was left by the author, and what we are further to expect.

"Within three months of the publication of this volume, its great author died, and his work is destined to be no more than a fragment. Among his manuscripts, however, there has fortunately been found a continuous history from the dictatorship of Publilius, where the original second volume closed, down to the beginning of the first Punic war, written out for the press ten or twelve years ago. This, along with the corrections made in the latter part of the original second volume, embracing the period from the promulgation of the Licinian laws to the dictatorship of Publilius, has been placed in the hands of his illustrious friend Savigny; and its speedy publication is expected. As soon as it comes out, the translators will endeavor to complete what has now become their melancholy duty."

Niebuhr undertook to write a history of Rome from the earliest ages of the city, to the time when Augustus became the acknowledged sovereign of the Roman empire. He begins with the first dawn of the city, his intention was to terminate it at the period when her dominion was extended from the Atlantic to the Euphrates, and from the deserts of Africa to the Rhine and the Danube, comprehending, as Gibbon says, the fairest part of the earth and the most civilized portion of mankind. As the sea receives the rivers, says Niebuhr, so the history of Rome receives into itself that of all other nations known to have existed before her in the regions round the Mediterranean. It was a part of his plan to give a view of the character and condition of these nations, and not to leave the reader to seek the information in other works, where perhaps it may not be found. He considered it the province of the historian of Rome to give the best image of them that could be obtained by research and reflection. The plan of the work and the spirit in which it was commenced is thus stated in Niebuhr's introductory lecture of the course delivered before the University of Berlin, and which is prefixed to the first volume.

"I shall endeavor to examine the history, especially during the first five centuries, not under the guidance of dim feelings, but of searching criticism; nor shall I merely deliver the results,

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which could only give birth to blind opinions, but the researches themselves at full length; I shall strive to lay open the groundworks of the ancient Roman people and state, which have been built over and masked, and about which the old writers preserved to us are often utterly mistaken; to execute justice in awarding praise and blame, love and hatred, where party-spirit has given birth to misrepresentations, and thereby to false judgments after upwards of two thousand years; to represent the spreading of the empire, the growth of the constitution, the state of the administration, of manners and of civility, according as from time to time we are able to survey them. I shall exhibit the characters of the men who were mighty in their generation for good or for evil, or who at least distinguished themselves above their fellows. I shall relate the history of the wars with accuracy, whenever they do not offer a mere recurring uniformity, and, so far as our information will allow, shall draw a faithful and distinct portrait of the nations that gradually came within the widening sphere of the Roman power. Moreover, I shall consider the state of literature at its principal epochs, taking notice of the lost as well as the extant writers." — pp. 16 — 17.

In our remarks on this work we shall endeavor to give a condensed statement of the views which Niebuhr has taken of the early history of Rome, and especially of her internal condition and political institutions, so far as can be comprised within the limits of an article of this kind. But it may be well first to consider what was the state of the Roman history at the time Niebuhr commenced his inquiries.

The modern historians of Rome have derived their materials chiefly from Livy and Dionysius of Halicarnassus. Plutarch, the most credulous of all writers, has furnished some portion of those fictions that modern writers have incorporated into its early history. Polybius, who is the best authority for the times of which he treats, has little concerning the early periods of the commonwealth. That little, however, is very important, as we shall see in the case of the first treaty with Carthage, and the Gallic invasion, where his account is utterly irreconcilable with the common history, and has strangely been overlooked by modern historians. Even Livy, surprising as it may appear, does not, as Niebuhr says, seem to have read Polybius, at least not till after the compilation of the first book of his history. Livy, though inimitably lively and beautiful in narration and description, did not possess the spirit of research and philosophi-

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cal criticism, so valuable in every historian, but peculiarly necessary to one who undertakes to explore the dark periods of antiquity and give the history of a remote age. With the imagination of a poet, he seems often to have nearly the same indifference to the truth of his narrative. The constitution he altogether neglected, except when compelled by internal dissensions to turn his eyes upon it, and then his views and judgment were warped by his prejudices.

Roman history, as Niebuhr remarks, was for two centuries after the revival of letters, treated with the same submission of the understanding to the written letter, that for a long time prevailed in all other departments of knowledge. Any attempt to examine the credit due to ancient writers would have been censured as atrocious presumption. The ordinary rules of evidence were rejected as inapplicable to the historical writings of the ancients. The object aimed at, was, in spite of inconsistency, improbability and impossibility, to combine whatever was related by them, and where the contradiction was too evident, to make one authority as gently as possible give way to another, without effecting any further result.

The first writer whom Niebuhr considers to have discerned the true nature of the early history of Rome, was Perizonius, an excellent scholar and critic, professor of History, Eloquence and Greek, at the University of Leyden. His family name was Varbrek, but according to a common custom of the times, he changed it to Perizonius, a word of similar meaning in Greek. His Dissertationes, a large work in several volumes, relating chiefly to Roman history, Niebuhr pronounces to be a masterly effort of genius, and unsurpassed in this department. This work attracted but little notice, and the author experienced the common lot of those who are far in advance of their age. He died in 1716.

Beaufort, a Frenchman, whose national feeling was excited by the pretended Roman victories over his Gallic ancestors, in their first invasion of Italy, undertook to vindicate his countrymen from the slanders of the Roman historians. He had the satisfaction of proving clearly that the story of the rescue of the gold and the destruction of the Gauls by Camillus, was entirely fictitious, and that they left Rome, with their booty, and the ransom of a thousand pounds of gold, and were not molested on their return by Camillus, or the Romans. The work of Beaufort had a great influence with intelligent men of the

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world in persuading them to give up the early ages of Roman history altogether.

In England, we do not know any political or historical writer whose investigations have made any additions to the knowledge of this portion of ancient history. The sceptical and sagacious Hume seems on this subject to adopt implicitly the common belief, and speculates very ingeniously in some of his essays on supposed facts and customs, which never had existence.

But the German scholars at the end of the last and beginning of the present century, were no longer satisfied with the work of destroying the credibility of the early Roman history. They sought after definite positive knowledge in the room of that imaginary knowledge which critical investigation had overthrown. They examined, criticised, and interpreted the ancients with the same freedom as if they were cotemporaries.

Niebuhr supposes that the story of Rome under the kings has no good historical foundation. He has examined the ancient historians, sifted all the legends which pass for history, and collected all the scattered fragments of them wherever they could be found, not only in the historical writings of the Greeks and Latins, but among the poets, orators, philosophers, and writers of every description. In all these, he finds no solid foundation for the historical record of the early ages. The history as transmitted to us, is made up of popular legends in a variety of forms, combined with dry chronicles; and of scanty results drawn by one or two genuine historians from authentic documents. But he does not therefore give up the Roman history for a large part of its duration as hopeless. He believes that the forms of the constitution under the kings, and the times of the commonwealth, may be recognised with certainty. In this part of his work, and certainly by far the most important part, Niebuhr has been eminently successful. He does not pretend to great accuracy of detail, which would be of little comparative value. But the political institutions, he is of opinion, may be satisfactorily ascertained. During the early ages the constitution was so harmonious in its proportions, the relations so answerable to one another, that where a few traces and remains are brought to light, we may draw safe and certain conclusions concerning other parts. He has endeavored not only to give the original constitution, and the successive

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changes made from time to time, but their causes and their consequences.

One source of the early history was the ancient practice for the chief Pontiff to write down on a whited table, the events of the year, such as prodigies, eclipses, pestilences, a scarcity, campaigns, triumphs, deaths of illustrious men, the introduction of any new custom or institution, the census, names of the magistrates, in a word all that Livy brings together at the end of the tenth book. The tables were then set up in the Pontiff's house, and the annals of the several years were afterwards collected in books. This custom existed from the beginning of the Roman state till the time of the Gracchi.

The other source from which the Roman historians drew their materials for the early history, Niebuhr supposes to have been the legendary tales concerning the foundation of Rome and the warlike exploits and beneficent acts of her kings. These legends he supposes were much more ancient than the genuine annals, and that they had the form as well as very much the spirit of poetry, and were transmitted in lays from one generation to another, that they were not therefore more authentic than any other poem on the deeds of ancient times preserved and transmitted by song. These traditional tales were probably received with entire belief, and held sacred by the Romans for centuries.

But there came a time when the marvellous tales of antiquity were no longer received with implicit faith. Little credit was now given to the original story that Romulus and Remus, the offspring of Mars, were preserved and suckled by a wolf, and when they wanted something more, the woodpecker, the bird sacred to Mars, brought them other food, and that the infants were nourished in this way until the wolf resigned her charge to the shepherd Faustulus. The miraculous conclusion of the reign of Romulus seemed incredible to men of a wiser age. According to the old legend, when Romulus was reviewing his people, the sun withdrew his light, Mars descended in a tempest and carried away his son, now made perfect, in a fiery chariot to heaven. When daylight returned, the people sought anxiously for their king and father, the child of the gods. The glorified hero himself appeared to Proculus, and bid him announce to the people, that he would watch over them as the god Quirinus.

Niebuhr supposes that no part of the story of Romulus has

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any better historical foundation than that of his infancy and deification. The difference is, that these incidents we know to be false, but as to other parts of the story, we know not whether they are true or false, but there is no historical evidence for them.

The ancient historians made use of these legends as materials for history, by stripping them of the marvellous, assuming that there remained a core of dry historical truth. But though these tales, when thus deprived of a great part of their poetry, appear more credible, yet they were not history, and rested on no solid foundation.

The historians not only took the liberty to omit such parts of the story as appeared incredible, but also to alter and modify the rest, so as out of these legendary tales, to make a plausible and apparently consistent narrative. Niebuhr goes into an examination of all the various traditions concerning the origin of the city. The story of Æneas and the Trojans, and their settlement in Latium, he considers of Italian origin, but destitute of truth. We will mention a few of the numerous traditions concerning the origin of the city of Rome.

According to Nævius and Ennius, the mother of Romulus and Remus was Ilia, the daughter of Æneas, who was condemned for her crime, thrown into the Anio, and was made the bride of the river god. Virgil's description of the wolf's feeding and caressing the babes in her den, is framed after Ennius.

Dionysius mentions a Roman tradition, which represents Romulus and Remus as the grandsons of Æneas, delivered by him as hostages to Latinus, who left them heirs to a part of his kingdom.

The Greek writers, in general, before Timæus, were unanimous in their opinion that the city was built immediately, or in the next generation after the fall of Troy. But on one point they were divided. While most of them considered the Trojans as the founders alone, or together with the aborigines, some on the other hand, supposed the city to be founded by the Greeks, and some by a band composed of both nations. A few ascribed the foundation of the city to Æneas himself, a far greater number to Romulus, whom they represented sometimes as his son, sometimes as his grandson, or more remote descendant.

Callias, the historian of Agathocles, recognised Romulus

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and Remus as the founders of the city, calling them the sons of king Latinus, by a Trojan heroine, named Roma, who had persuaded the women to put an end to their wanderings, by setting fire to their ships. Cephalon, the most ancient of the writers that are quoted, called Romulus and Remus the two younger of the four sons of Æneas. By the Greek writers, the Remus of the Latins is always called Romus.

Aristotle mentions Rome as a Grecian city, founded by the Greeks after their return from Troy.

The Romans did not ascribe their origin to any of the Italian nations, and in the traditions of the oldest times, they appear equally strangers to all the three nations, in the midst of which their city lay, the Sabines, Latins and Etruscans. According to Niebuhr, there is no honor to which the Romans had less title, than that to which the Athenians laid claim of being an original and peculiar people. If they belonged to no one nation, it was only, as may be discerned from their fables and legends, because they sprung from the coalition of several wholly distinct from one another. Each of them left its peculiar inheritance of language, institutions and religion to the Romans, who in their national character were unlike any of the parent races.

The speculations of Niebuhr, concerning the origin of Rome and its earliest tribes, are very learned and ingenious, but throw no light at all on the question, as to the period when the city was founded. All inquiry on this point, proves only that the time is altogether uncertain, and that no reliance is to be placed on the common era. No researches have yet penetrated the darkness which veils the foundation of the Eternal city.

In the following paragraphs, we have Niebuhr's views of the legends, which he supposes to make up a large portion of the early history, and his opinion of their poetic beauty.

"These poems, out of which, what we call the history of the Roman kings, was resolved into a prose narrative, were different from the nenia in form, and of great extent; consisting partly of lays united into a uniform whole, partly of detached ones, without any necessary connexion. The story of Romulus is an epopee by itself; on Numa, there can only have been short lays. Tullus, the story of the Horatii and the destruction of Alba, form an epical whole, like the poem of Romulus; indeed, Livy has here preserved a fragment of the poem unaltered, in the lyrical numbers of the old Roman verse. On the other hand, in what is related

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of Ancus, there is not a touch of poetical coloring. But afterwards, with L. Tarquinius Priscus, a great poem begins, which ends with the battle of Regillus; and this lay of the Tarquins, even in its prose shape, is still inexpressibly poetical; nor is it less unlike real history. The arrival of Tarquinius the Lucumo at Rome; his deeds and victories; his death; then the marvellous story of Servius; Tullia's impious nuptials; the murder of the just king; the whole story of the last Tarquinius; the warning presages of his fall; Lucretia; the assumed idiocy of Brutus; his death; the war with Porsenna; in the last place, the truly Homeric battle of Regillus; all this forms an epopee, which in force and brilliance of imagination leaves everything produced by the Romans in latter times, far behind it. A stranger to the unity which characterizes the most perfect of Greek poems it divides itself into sections, answering to the adventures in the Lay of the Niebelungen; and should any one ever have the boldness to think of restoring it in a poetical form, he would commit a great mistake in selecting any other than that of this noble work.

"These lays were much older than Ennius, who moulded them into hexameters, and found matter in them for three books of his poems; and who seriously believed himself to be the first of Roman poets, because he had contemptuously shut his eyes against the merits of the old native poetry, and succeeded in suppressing it. Of that poetry and its destruction I shall speak elsewhere; here, only one further remark is needed. Ancient as the ground-work of the epical lays unquestionably was, the form they were handed down in, and a great part of their contents seem to have been comparatively recent. If in the pontifical annals, history was adulterated to favor the patricians, this poetry is pervaded throughout by a plebeian spirit, by hatred of the oppressors, and by evident traces that, at the time when it was sung, some plebeian houses were already great and powerful. The assignments of land, by Numa, Tullus, Ancus and Servius are in this spirit; all the favorite kings are the friends of freedom; the best of them, next to the holy Numa, is the plebeian Servius; the patricians appear in a detestable light, as accomplices in his murder; Caia Cecilia, the Roman wife of the elder Tarquinius, is a plebeian, a kinswoman of the Metelli; the founder of the republic and Mucius Scævola, are plebeians; among the other party, the only noble characters are the Valerii and Horatii; houses friendly to the commons. Hence I should be inclined not to date these poems, the contents of which have come down to us, before the restoration of the city after the Gallic disaster, taking this as their earliest age. The middle of the fifth century, the golden age of Roman art, may perhaps, have also been that of Roman poetry, the same period is also indicated by consulting

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the Pythian oracle. The story of the symbolical manner in which the last king instructed his son to get rid of the principal men of Gabii, comes from a Greek tale in Herodotus; so likewise we find the stratagem of Zopyrus related of Sextus; we must, therefore, suppose, that there was some knowledge of Greek legends; and why not of Herodotus himself."

We come now to that portion of the work, which we deem the most important, and where we think the author has been most successful; we mean his inquiries into the internal condition of the Roman state, the different orders of the people, and the forms of the constitution under the monarchy, and the first ages of the commonwealth. There will, no doubt, be differences of opinion as to some parts of the theory which he has framed of the Roman constitution; some objections may be made to the whole, but we think the outlines and main portion of the fabric rest on a basis not to be shaken.

The old system, if system it may be called, that shape and consistency had none, we believe will be exploded, and can never be successfully revived. We think that Niebuhr has discovered what had been before universally misunderstood, the relation between the patricians and plebeians, the character and composition of the different comitia or assemblies of the people, and the nature and object of the institutions ascribed to Servius Tullius.

Some knowledge of the institution of the *gentes*, or as they are denominated, houses, is necessary to a good understanding of both Grecian and Roman history.

No institution was more common in the ancient world than that of *gentes* or houses. Every body of citizens in the states of Italy, Greece, and around the shores of the Mediterranean, were thus divided. A *gens* or house was a union or association of a number of families. It might at first often have been a union of families supposed to be descended from a common ancestor, but in most cases it was a political union.

Niebuhr supposes that all the original inhabitants of the Roman state were thus distributed into houses, that each of the three tribes, the Ramnenses, Titienses, and Luceres, at first consisted of one hundred houses. Each tribe was divided into ten curiae or curies, and each cury into ten houses, thus making thirty curies and three hundred houses. These houses bore some resemblance to the clans in Scotland; in some respects they were corporations. The Athenian commonwealth con-

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sisted of three hundred and sixty houses; each house had a peculiar name resembling a patronymic in form, as at Rome the Claudii, the Fabii, the Cornelii. This gave some appearance, but only a fallacious one, of a family affinity. The Homeridæ in Chios, were a house whose descent from the poet was inferred only from their name, though they were probably in no way related to him. The name was derived sometimes from the most distinguished family of the house, and sometimes from some hero. The houses were political institutions, formed by the legislator, to harmonize with his plan of the constitution of the state. Cicero's definition of a Roman gens, does not imply that the members have a common origin. He says they have a common name, are descended from freemen, without any stain of slavery among their ancestors, and have incurred no legal disability. The *gentiles* or members of a gens had common religious rites, offered sacrifices at stated times and places, and were bound to assist indigent members of the gens in extraordinary exigencies. In the second Punic war, the gentiles wanted to ransom their fellows who were in captivity, and were forbidden to do it by the senate. In the municipal towns and states of Italy, the institution of houses was general, and when they became incorporated with Rome, the houses were not dissolved, though they did not bear any political relation to the state. No houses but those which composed the three ancient tribes, were essential parts of the body politic. Thus the patricians boasted that they alone had a house or gens. There were thousands of plebeians at Rome, who belonged to houses in the municipal towns, and possessed gentile privileges there, but were not acknowledged by the state. This division into houses, was essential to the patrician order, and the ancient phrase for that order, was *the patrician gentes*, instead of patricians. A patrician was called a man of a patrician house, *vir patriciæ gentis*.

The patricians, their clients and dependents, made up the whole of the original Roman people. The clients, however, were a different class from the plebeians. The three original tribes, comprised all the Romans by means of the houses they belonged to, but the plebeians or commonalty were formed afterward.

How the relation of patron and client arose, is uncertain. The clients were not landholders; sometimes they gained a

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livelihood by the mechanic trades; sometimes received grants from their patrons of lots for building, and two jugera, or about an acre and a half of arable land, not as property, but as tenants at will of their landlords. They were entitled to paternal protection from their patron; he was to relieve their distresses; to appear for them in court, and to expound the law for them. On the other hand, the clients were to be dutiful and obedient to their patron; to promote his honor; to pay his fines; to aid him in bearing the public burdens, and charges of public office; to contribute towards portioning his daughters, and to ransom him or any of his family from captivity. There is a strong resemblance in this relation to that of vassals to their lords in the middle ages. It was a mitigated form of the feudal system.

If a client died without heirs, his patrons inherited; in a word, the bond between the patron and the client was so strong, and the authority and control of the one, and the subserviency of the other were so complete, that it is not easy to see how it should be supposed the plebeians and clients were the same. A client would not be allowed to oppose his patron, or to vote against him.

In the time of Julius Cæsar and Augustus, the original patrician houses had been reduced to fifty families. So many houses had become extinct, or merged among the lower orders, from poverty, that there were no longer persons enough for the priestly office, which could be filled by none but patricians.

There has been a good deal of uncertainty with regard to the constitution of the Roman senate. That illustrious body existed for thirteen centuries, and during a considerable portion of that time, its decisions had a greater influence on the destinies of the civilized world, than was ever exercised by any other similar assembly. But the origin of the senate, the manner of appointing its members, the duration of their office, whether for a number of years, or for life, are questions which are involved in much obscurity. Again, what public office gave a man a right to a seat in the senate, and was it during the time he held that office only or during his life? It is said that after the establishment of the Censorship, the censors had authority to appoint senators, and to remove them for unworthy conduct. How far this power was regulated by laws or exercised by an arbitrary discretion, is a question attended with much uncertainty.

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We by no means say that Niebuhr has dispelled all the obscurity that hung over the subject, but he has given a much more probable account of the origin and nature of the senate, than we have ever had before. He rejects, altogether, the common notion, that the senate was an institution of the king, and the members appointed by him.

The king was chosen by the senate, not the senate by the king. He considers the senate to have been an assembly of the elder citizens, the representatives of the patrician houses. This was the constitution of the senate during the monarchy, and until the first age of the republic.

No plebeian was admitted till after the decemvirate. When the censorship was established, the censors are supposed to have had the power of appointing senators and removing them from office for a sufficient cause. Niebuhr thinks that the power to appoint, extended only to filling vacancies that occurred from each cury, and that the authority to expel was only from good cause according to fixed laws or settled usage.

The institution of the senate was not a measure of policy adopted by the founder of the city. In all the cities of the civilized nations round the Mediterranean, a senate was no less essential than a popular assembly. It was a select body of the elder citizens, such a council as Aristotle says there always is, in every state, whether the constitution be aristocratic or democratic.

The Roman senate corresponded to the tribes, curies, and houses; and, originally, when the number of houses was completed, they were represented by the same number of senators, the three hundred senators represented the same number of houses. Each gens or house, sent its decurion, who was its alderman and the president of its by-meetings, to represent it in the senate, so that the senate was composed of the heads and representatives of the houses, and must have been originally chosen by the houses and not by the curies.

When the state was without a king, ten senators presided over it during the interregnum. The office of king was elective. When it was vacant, the senate agreed among themselves on the person to be proposed to the curies, whose power was confined to accepting or rejecting him. It was a *rogation*, as in the case of a law, and hence the interrex is said *rogare regem* to put his acceptance to the vote. Numa and Ancus Martius, are said to have been appointed in this way.

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The curies could not vote on any matter, unless it was laid before them by a decree of the senate.

It was the law passed by the curies, that invested the king with all the power he needed, as head of the state and of the army, and with authority to hold courts and appoint judges. He had the absolute command of the army, and was the priest who offered sacrifices for the nation. He convoked the senate and assemblies of the people to propose measures to them. But laws, questions of war and peace, were determined by the people. An appeal lay from his decisions, as a judicial magistrate, to the people, that is, to the patricians in comitia curiata; the kings were taken alternately from the Romans and Quirites or Sabines.

The discoveries, as we think they may justly be called, made by Niebuhr, concerning the character and condition of the plebeians, are among the most important in his work, and throw much light on the constitution of Rome and the events in the early period of her history. The plebeians, he has shewn, were not the clients of the patricians as has been hitherto universally supposed, but a separate and distinct class from the patres and clients as we have before mentioned.

In every state, the constitution of which was founded on a number of houses, such as the states of Greece and Italy, a commonalty grew up by the side of the burghers, the original landholders, who formed the houses. The members of this commonalty were recognised as freemen and fellow-countrymen, were under the protection of the laws, might acquire landed property, had their courts and meetings for making by-laws, were under none of the obligations of clients to their patrons, but were personally free and independent. They were bound to serve in time of war, but were excluded from all share in the government, which was confined to the aristocracy consisting of the houses.

The Roman plebs in early ages consisted exclusively of landholders and agricultural laborers, and none of them gained a livelihood by commerce or any mechanical employment. With the Romans, civic trades and commerce were in low repute, and agriculture in the highest. In the middle ages, as is well known, the case was directly reversed among the states of Europe. The plebs or commonalty arose from a number of different elements, and from very small beginnings was enlarged to an almost immeasurable extent. In the origi-

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nal three towns, of which Niebuhr supposes Rome to have been compounded, a commonalty must have begun to form, from strangers who came to settle in the Roman state, and were received under the protection of the laws, and clients who were emancipated by their patron's consent, or by the extinction of his race, an event of no uncommon occurrence. But the most important and respectable portion of this order, or the genuine plebs, took its rise from the domain formed out of the towns won from the Latins. Many of these conquered places were converted into Roman colonies, others were destroyed, and the inhabitants carried to Rome. All were invested with the Roman franchises, or were considered as free citizens. This indeed gave them no political power before the formation of the centuries, for till that time this right was confined exclusively to the *Comitia Curiata*, or assemblies of patricians. They of course had no share in the government, formed no part of the state, politically speaking, and could not intermarry with the patricians. All the nobles of the conquered places were among the Roman plebeians.

No patrician could marry out of his order without losing his caste. But such marriages of disparagement must no doubt have often taken place, and the offspring belonged to the plebeian class. The clients being an entirely different class from the plebeian commonalty, did not coalesce with it until the later times of the republic. The plebeians had no patrons, unless the king himself might be considered as the patron of their order. The controversies between the different orders, about which we read so much in the early ages of the republic, were not between the patricians and the clients, but between the plebeians on the one side, and the patricians and their clients on the other.

The existence of the plebs as a free and very numerous portion of the nation, can be traced back to the reign of Ancus Martius. But it was not formed into a regular united body till the time of Servius Tullius, by the institution of the plebeian tribes.

The tribes established by Servius were local, and every local tribe had a region corresponding to it, and all the free members of the Roman state not included in the patrician gentes, who dwelt within the limits of the district or region, were registered as its tribesmen. The district had the name of its tribe whether in the city or country. The city was divided into four

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regions, answering to the four civic tribes, and these were continued to the time of Augustus, when a greater number of districts was established, to accommodate the increased size and population of the city.

The number of regions into which the Roman territory without the city was parcelled out, and consequently the number of plebeian tribes, has been a subject of much doubt and controversy. Niebuhr has, we think, proved beyond any question, that the original number of rustic tribes was twenty-six, making with the four civic tribes, the complete number of thirty. The only objection to this number is the fact stated by Livy and others, that in the year 259, when a new tribe, the Crustumine was admitted, the number was increased to twenty-one. This diminution in the number of tribes is accounted for by the war with Porsenna, the Romans having been compelled to cede to him all their territory on the right bank of the Tiber, probably comprising about one third of the whole, and ten of the rustic tribes. The romantic story, that the conquered territory was restored by the generosity of Porsenna, has no true historical foundation, and was no doubt invented, like some other fictions, to conceal the humiliation and fall of Rome. In those times a vanquished people was usually compelled to give up one third of its territory to the conqueror, and the Romans were then forced to submit to the same law of conquest which they so often imposed on other states.

These tribes do not correspond in number with the patrician tribes, but with their sub-divisions, the curies. As the patricians voted only by curies, their original division of tribes seems to have sunk into disuse.

The tribes of Servius comprised at first only plebeians, and the patricians and their clients were not enrolled in them till a much later period. The *Comitia Tributa,* or assemblies of the plebeian tribes, were convoked by the tribunes, who presided at all their meetings. They met in the Forum, from which both the patricians and their clients had to withdraw, and were not allowed to be present at their meetings.

The institution of Centuries was one of the most important changes ever effected in the Roman institutions. No one has been more entirely misunderstood in its object, tendency, and composition.

We shall endeavor merely to state the conclusions of Niebuhr on this subject, without having time or space to assign the reasons on which they are founded.

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The object of the legislator was to admit the plebeians, who were now the most numerous portion of the citizens, and formed the principal strength of the army, to a share in the government, from which they hitherto had been excluded. Another object was to unite in one body all the citizens capable of bearing arms, whether patricians, plebeians, or clients, so that the comitia centuriata were assemblies of all the men of all orders liable to perform military duty. The centuries were a popular institution, with an important share in the choice of magistrates, and in the government of the state, and also a military institution, and intimately connected with the organization of the army.

Of the whole number of one hundred and ninety-three centuries, eighteen were equestrian; six equestrian centuries, instituted by the elder Tarquin, comprised all the patricians who bore arms. The remaining twelve equestrian centuries were composed of plebeians, the first class of eighty centuries of foot were all plebeians, and far the greater portion of the other classes below them. The principles on which the centuries were formed, in respect to political power, is well known to be that of considering the state as a joint stock concern in which the weight of every man's vote is in proportion to the amount of his taxable property. The institution stopped much short of an entire democracy, where the votes are all equal, but it was a very great gain to the plebeians that the comitia centuriata, in which they had a very large majority of the centuries, should have such a share in the government as to be able to protect themselves.

There is one principle running through the Roman institutions which deserves attention.

In their popular assemblies great care was taken to prevent decisions by a majority of mere numbers. In the language of Cicero, *Curavit ne plurimum valeant plurimi.* Thus, in the comitia curiata, the decision was determined by a majority of the curies, and the vote of each cury, by a majority of the houses composing it. In the comitia tributa, the vote was decided by a majority of the tribes, not of the tribesmen. In the centuries, the principle was carried still farther, and a small minority in number might have the majority of the centuries. Great care was taken to prevent mere numbers from turning the scale. This principle, in Cicero's opinion, gave the Roman institutions a great advantage over those of the Greek states,

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where measures were carried by masses, by the majority told by the head and not by the votes of the several orders. Each class of centuries had an equal number of senior and junior centuries, and the first class was divided into forty senior and forty junior centuries. But the senior centuries, though they had equal weight in the comitia, were probably not more than one third as numerous as the junior and so of the other classes.

Before the time of Servius the *populus* or patrician houses had the government and all the public property in their own hands. Politically speaking, they were the only estate in the Roman nation. But from this time forward the nation, consisted of the two estates, the *populus* and the *plebs* or commonalty, both in law equally free and independent, but differing in rank and dignity.

The words *populus* and *plebs* were opposed to each other, and both were used for a long time after to express the whole nation, and in religious formularies till the time of Cicero. The use of *populus* for the assembly of the centuries, was not known in the early ages of the republic, and for the whole nation not till later times.

It is stated that the *plebs*, with the concurrence of the *populus*, in the year 341, committed the charge of investigating the murder of Posthumius to the consuls.

A concilium was an assemblage of a part of the nation, not of the whole. The *concilia populi* were assemblies of the patricians or curies. This was the concilium to which Publicola paid homage by lowering his fasces. The same assembly decided the controversey between Aricia and Ardea, concerning the disputed territory, according to the principle of the well known fable, where the arbiter adjudges the whole of the property in dispute to himself. The patricians were then the only possessors of the public domains, and would have the benefit of any new acquisition. The plebeians had no interest in deciding unfairly, and the consuls would never have assigned to the plebeians the honor of settling a dispute between two foreign states. It was by the curies that Manlius, the savior of the capitol, was condemned after being acquitted by the centuries.

The institutions of Servius were so obnoxious to the patricians, that they conspired with the younger Tarquin, and put him to death. The commonalty were then deprived of those

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rights granted by the institutions of Servius, and centuries elapsed before they were able to recover them. The practice of pledging the person for debt, was abolished by Servius, and that of pledging property was substituted. This was repealed in the reign of the last king, and the patricians contrived to prevent its renewal for two hundred years after the commencement of the republic.

There was a story that Servius intended to resign the throne, and entrust the executive power to two consuls, elected annually, and according to common tradition, there was some connexion between the consulate and his institutions. Livy says, that the first consuls were chosen according to the commentaries of Servius. These contained a detailed scheme of his institutions, as appears from the quotations of Festus. Niebuhr supposes it probable, that it was the design of the legislator to place the two orders of patricians and plebeians on a level, with regard to the consulship, and that each should have an equal share in that office. The first Brutus, he supposes to have been a plebeian, and chosen to represent that estate in the consulship.

Niebuhr says the object in appointing a dictator, was to deprive the plebeians of the advantages given them by the constitution of Servius. The patricians went farther, and withdrew the election of consul from the centuries, and vested it in the curies. After the banishment of Tarquin, and so long as his family was an object of alarm, the patricians exercised the powers of government with some degree of justice and moderation. But after the death of Tarquin, the patricians treated the plebeians as slaves, excluded them from all share in the public domain, and all influence in the government. The plebeians were at once forced to pay tribute, and to serve in almost continual wars. Aided by the terror of the dictatorship, the patricians revived the ancient laws of debt, which were not abolished till the decemvirate. These severe laws which pledged to the creditor the person, family, and property of the debtor, affected the plebeians alone. A patrician could not pledge his person, or be sentenced to servitude. A Roman prison, a dungeon into which no ray of daylight entered, was a place of horror and misery.

As an example of the errors concerning the Roman institutions, into which the most eminent statesmen and political writers have fallen, we may mention the Defence of the Ame-

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rican Constitutions of Government, by the late President, John Adams. In this work, the author displays much ability, and extensive historical and political knowledge. But in his accounts of the Republics of Antiquity, he has entirely mistaken the nature of the popular assemblies in Rome, and the object and character of the institutions of Servius Tullius. He supposes that the *comitia curiata*, were assemblies of all the citizens, patricians and plebeians, rich and poor, and that in these meetings the poor always had a large majority; whereas these assemblies were composed entirely of patricians, and were exclusively aristocratic. He considered the plebeians, as the clients of the patricians, instead of being, as Niebuhr has shown, a separate and distinct order. Mr. Adams says, that Servius, by the institution of centuries, threw all the power into the hands of the patricians, whereas the object of Servius, or whoever was the author of the institutions ascribed to him, must have been directly the reverse. The patricians had all the political power before, and the institutions of the classes and centuries, gave the plebeians a share in the government.

It is not strange, however, that Mr. Adams should have adopted the erroneous notions concerning the Roman constitution, that were universally prevalent when he wrote. He has only erred in company with the most distinguished philosophical and political writers in Europe, as Machiavel, Montesquieu and Hume, who have taken the same or similar erroneous views of the Roman government and popular assemblies.

Ferguson, in his history, supposes that the Roman dominion extended but a few miles from the city, at the banishment of the last Tarquin, and the same erroneous notion is adopted by most historians. One of the most decisive proofs of the power of Rome, and the extent of her dominion at the end of the monarchy, is derived from the first treaty between Rome and Carthage. This treaty which was concluded the first year after the expulsion of the Tarquins, was translated by Polybius, from the original tables of brass, then existing in the Capitol. It appears from this, that the Roman dominions extended from Ostia, beyond Terracina, probably as far as Cuma, and perhaps farther. The Republic then possessed the whole inheritance of the monarchy. Livy, when he wrote his second book, either had not heard of this treaty, or chose to suppress his knowledge of it as too humiliating to Roman pride,

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inasmuch as it divulged the secret of the early greatness of Rome, and of her fall by the war with Porsenna.

In the account of the war with Porsenna, there is, according to Niebuhr, nothing that can withstand the slightest criticism, as to historical truth. The Roman historians have endeavored to conceal the fact, of the entire conquest of Rome by the Etruscan king. They admit that Rome was compelled to cede to him all her territory on the right bank of the Tiber, but try to disguise the humiliating truth, by the fictitious tale of the romantic generosity of their adversary, and the heroism of Horatius Cocles and Mucius Scævola. After a short time, she threw off the yoke of the conqueror, but with the loss of one third of her proper territory, and her foreign possessions.

According to Tacitus, the city was compelled to surrender to the conquerer, — his words are "Sedem Jovis Opt. Max. quam non Porsenna, *dedita urbe*, neque Galli capta, temerare potuissent." Hist. iii. 72. The meaning of *dedita urbe*, especially when used by such an accurate master of language as Tacitus, admits of no doubt. The city surrendered to Porsenna. Whether he was not master of the Capitol, or whether *potuissent* refers only to the Gauls, is not very important; a surrender, according to the severe laws of war among the ancients, had the same meaning as a surrender at discretion in modern warfare. It placed the state, and every individual with his property, freedom, and life at the mercy of the conqueror. A town or state thus reduced, was amerced of a certain portion of its territory, commonly a third, and a tax or tribute, equal to one tenth of the produce of all the cultivated land, was imposed on the remainder.

It has been mentioned before, that a third of the plebeian district, or ten tribes, which Rome possessed in the time of Servius Tullius, was lost, and that this loss was incurred in the war of Porsenna. It appears from Plutarch, that there was a tradition preserved, that the Romans at one time paid a tenth part of the produce to the Etruscans. This can refer only to the time of Porsenna.

Pliny, in his natural history, says, that Porsenna expressly prohibited the Romans from using iron for any other purpose than agriculture. His words are, "in fœdere quod expulsis regibus populo Romano dedit Porsenna, *nominatim comprehensum invenimus* ne ferro nisi in agri culturam uterentur." Pliny here seems to be citing a document still in existence. Niebuhr

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justly remarks, that a people on whom such a condition was imposed, must have previously delivered up their arms. There are several examples of a similar restriction in the history of the Israelites, imposed by their conquerors, as in the case of Jabin, King of Canaan, and the Philistines, in the time of Saul.

According to Dionysius, the senate sent to Porsenna an ivory throne and other badges of royalty. This must have been in token of submission to him as their sovereign.

It was our intention to notice some of the most interesting parts of the second volume, but the space we have devoted to the first, leaves us but little room.

The first volume, we consider to be the most important to a knowledge of Roman history, but the second, exhibits proofs of the same learning, critical sagacity, and unwearied diligence of investigation, as the first. From the commencement of this volume, the author undertakes the restoration of a genuine, connected history. It is in the history of the constitution, that he felt the most confidence, in tracing the successive changes produced either by the contest between the different orders of the state, or the silent operations of time.

A great portion of this volume is taken up with dissertations on subjects connected with Roman history, as on the Latin state, and the alliance of the Romans with the Latins, the agrarian laws, and the laws of the twelve tables. As agrarian schemes have excited some interest in modern times, in the French revolution, and have attracted some attention in our own country, we shall devote a few paragraphs to the mode in which landed property was held in Rome, and to the agrarian laws.

It will be seen, that the agrarian laws of Rome, did not affect the security of property, or limit the amount of land to be *owned* by an individual, and consequently afford no example for the schemes of our modern agrarians.

Niebuhr has given a very full and clear account of the tenure and condition on which lands were held at Rome; the nature of the public domain; the mode of its occupation, and the character and objects of the agrarian laws. This reflects so much light on the Roman institutions and the controversies between the patricians and plebeians, that we shall attempt to give our readers a condensed statement of his views on these subjects.

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It would be a great error to suppose that landed property in Rome and other states of antiquity, was on the same footing as in this country, and in a great part of modern Europe. In Rome, (we speak of the monarchy and early ages of the commonwealth,) the power of accumulating *property* in land, and the right of alienating it was limited. This policy grew out of the peculiar situation of the small contiguous states in Italy and Greece. They were engaged in frequent and destructive wars with each other. Security against foreign aggression was a primary object of concern, and this security depended chiefly on their military force, or the number of citizens able to bear arms. Hence the endeavor to increase their numbers so far as their territory would afford the means of subsistence. This was a far more important object than to increase the wealth of individuals. When the people in a city or state had been diminished by war or disease, foreigners were invited to come and settle among them, and take possession of the lands and houses that were vacant. Hume quotes several such instances from Diodorus. He is a pernicious citizen, said M. Curius, who cannot be content with seven acres, or rather seven jugera, of land.

Niebuhr supposes that originally, the patricians at Rome, comprised the whole body of the landholders. That part of the Roman territory, held as private property, was divided into small allotments of two jugera to each citizen. A hundred such allotments formed a century, consisting of two hundred jugera. This was a district of a cury, and each cury had one such district. Each cury and district contained one hundred householders, and these were divided into ten decuries. The lots in each century or cury, were considered as one mass. The property of a citizen who died without heirs, went to his gens or house, and if his house became extinct, his property was inherited by the cury.

In the original Roma, before the accession of the two other towns, of which Rome was afterwards composed, there were ten of those districts or curies. This would make two thousand jugera in the allotments, and this, Niebuhr supposes was all the land that was held as private property, in the original territory of Rome, till the rise of the plebeian order. The rest of the land was the property of the state. It was either common for pasturage, or royal or public domain. As the patricians had the government entirely in their hands, they

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had the control of all the public property. This they could parcel out among themselves as a possession, and occupy as they pleased, and portions of it were let by the patricians to their clients and dependents as tenants at will.

When the city was enlarged, as Niebuhr imagines, by the union of two other towns, similar allotments of landed property existed in those towns before, or were made at the time of union, and each undoubtedly had its domain. When by the union of the three towns, the number of the patrician tribes was increased to three, each tribe consisting of ten curies, there were thirty districts, each containing two hundred jugera, making in the whole, six thousand jugera, or about four thousand acres.

Every law, by which the commonwealth disposed of its public land, was called an agrarian law. Thus, for instance, the law by which the domain of the kings was parcelled out among the commonalty, on the termination of the monarchy, and that by which colonies were planted, and so of the law by which the state resumed its domain from the old possessors, (not proprietors) and assigned the right of property therein to others.

The common notion is, that an agrarian law sets a limit to the amount of landed property any person is allowed to possess, and assigns all beyond that limit to the destitute. The equal partition of land, demanded by the levellers in the French revolution, was deemed an agrarian scheme.

No laws were ever more just or more beneficial to the state than the agrarian laws of Rome, from the origin of the city to the time of Julius Cæsar. These laws all concerned the *public domain*, they set no limit to the landed *property* of any class or individual. They often limited the quantity which any one was allowed to *possess* of the public land. Those who occupied the public lands were called the *possessors*, the occupation was a *possession*. These terms were technical, and those who occupied the public lands had, strictly speaking, no property in them, but only the possession. They were tenants of the state at will, or at most, from year to year.

There was, strictly speaking, no injustice done, when the state resumed the possession of the public lands, and parcelled them out to others as property, or sold them to the highest bidder. Most clearly, there was no injustice in limiting the amount which any man should be allowed to possess of the

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public lands, that part of the agrarian laws which has been so much misunderstood, and the subject of so much undeserved censure. The public land of the Roman state had attained to a great extent in the time of Servius. By the agrarian laws of Servius, a distribution was made, one part was reserved for the populus or patricians, another part was assigned to the plebeians in absolute property. The possessor of the public lands paid a small proportion of the produce to the state commonly one tenth. By the agrarian law of Spurius Cassius, another assignment was made of lands, acquired by the state, after the time of Servius. Both these laws probably limited the amount to be possessed.

The patricians alone had the legal right to occupy the public lands by *possession*, but had no right to an assignment of them as property. The plebeians could not occupy the public land by possession, but received assignments of it as owners. The share assigned to each plebeian, was seldom so large as seven jugera, or about five acres, frequently not more than two, subject to all assessments. The share that each patrician might possess must have been much larger. Hence the complaint of the tribune in Livy, that while the plebeians had but two jugera, the patricians were unwilling to be limited to five hundred.

When the plebeians had increased so as to become the most numerous class of citizens, and to constitute the main strength of the Roman armies, all the infantry, and a great portion of the cavalry, being drawn from the plebeians, according to the constitution of Servius, it was an intolerable injustice to give them no share in the public domain, won by their blood. There seems no reason to doubt the traditions, that assignments from the public domain were made to the plebeians by Ancus Martius and Servius Tullius. The Roman soldiers served without pay, and these assignments were the compensation for military services.

As the patricians originally constituted the state, politically speaking, they considered all the public domain as theirs, and no doubt rightfully at first. But when a change of circumstances gave the plebeians a just claim to a share of the public lands, the patricians were desirous to retain not only all that they possessed originally, but all that was afterwards gained in war, by armies composed chiefly of plebeian soldiers, serving without pay.

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So far as concerned the state, it was undoubtedly far more advantageous to assign the public domain in small lots to the plebeians, subject to all assessments and to military service, than to permit the possession of it in large parcels, by the patricians. The payment of the tenth of the produce reserved as rent was often evaded. The aristocracy having entire control of the domain, did not call each other to a strict account for the tithe due to the state.

And the real question, in most, if not all the agrarian laws, that were the occasion of such bitter controversies between the two orders in the state, so far as we can see, was, whether the commonalty should have an equitable share of the public lands, or whether the aristocracy should possess the whole. In these contests the commonalty finally prevailed.

The agrarian laws of Spurius Cassius, of Licinius, and of Tiberius Gracchus, were eventually carried into execution, and absorbed a great portion of the public domain.

An extraordinary inference is drawn by Hume, from a mistake in the meaning of a law of the twelve tables, referring to the public domain, in the following passage from his essay on the populousness of ancient nations.

"By the laws of the twelve tables, possession during two years formed a prescription for land, one year for moveables;* an indication that there was not in Italy, at that time, much more order, tranquillity, and settled police, than there is at present among the Tartars."

A very broad conclusion from the premises. We believe it will be found on examination, that the law in question, of the twelve tables, relates to the public domain, so far as it concerns immovables, and merely provided that two years' possession fairly obtained, should give the occupier the right of possession against all others, but gave him no property in the land which belonged to the state, and might be resumed at pleasure. There was nothing in this part of the law inconsistent with order, tranquillity, and a good police. The other part of the law is equally unobjectionable. The word *usucapio*, translated prescription, did not mean originally such a possession as gave any right of property against the true owner.

Gibbon says, that the twelve tables of the Roman laws were dictated by the rigid and zealous spirit of an aristocracy, which

* Inst. lib. ii. c. 6.

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had yielded with reluctance to the just demands of the people. Niebuhr supposes it to be an error to regard the twelve tables as merely a civil code like the institutes of Justinian, though the opinion has prevailed from the revival of letters down to the present time. The object aimed at was three-fold; to unite the two orders of patricians and plebeians, and place them as nearly as possible on an equal footing; to institute a supreme magistracy in the room of the consulship, with less power, and to limit its arbitrary authority; and lastly to form a national code for all classes of Romans without distinction.

The people wanted a written constitution to regulate the whole frame of government, to define and limit the authority of the magistrates, and determine accurately the legislative and judicial authority of the senate, the centuries and the tribes. They wanted also a remedy for the great diversity of privileges between the different orders, as well as a written code of civil and criminal law.

The statement of Livy, and the common opinion that the twelve tables were derived wholly or in part from the laws of Solon, both Niebuhr and Gibbon consider as altogether unfounded. Niebuhr says they are not of Grecian origin and have no relation to the Attic civil laws, and that with regard to the rights of persons, legal forms, and judicial proceedings, the two codes have not the slightest resemblance. He thinks, however, the Roman commissioners may have gone abroad to seek for legal wisdom in a state so renowned as Athens, then the most glorious and powerful of all republics, but that they afterwards found the laws of Solon inapplicable to Rome; but whatever information the Romans may have sought or obtained from Greece, he supposes to relate to the political institutions, and not to the civil code of law.

There was a great similarity in the political institutions of the civilized states around the shores of the Mediterranean. The institution of gentes or houses was common among them, and all had their senate and popular assemblies, and nearly all were in name or in fact republics. In many of these states, the changes in their institutions and their political history were somewhat similar, though they furnished examples of almost every modification of the relation between the different orders or classes of citizens. The states of Greece, at this time, might have furnished to the Roman aristocracy and commonalty abundance of examples both for warning and imitation.

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The seven consulships of the Fabii are without a parallel in the annals of the republic, except at the beginning, in the case of the Valerii. From the year of the city 269 to 275, one of the consuls was chosen from the Fabian family; and this, Niebuhr says, must have been connected with some revolution, by which the oligarchy intended permanently to secure the superiority they had gained. These successive consulships in one house are thus accounted for. To accomplish the destruction of Spurius Cassius, and defeat the agrarian law, it was necessary for the oligarchy to engage the powerful house of the Fabii in the design, and the price paid was, that one of the consuls should always be a Fabius. But in order to secure this object, and with it the uncontrolled power of the patricians over the plebeians, it was necessary to transfer the election of consuls from the centuries, where the plebeians had a very great majority, to the curies, where none but patricians had a vote. This was accordingly done, and consuls most obnoxious to the plebeians, and most determined supporters of the aristocracy, were chosen. The agrarian law was not executed, and unnecessary wars were stirred up to employ the plebeians, for while the legions were in the field the forum was vacant.

The centuries in a few years regained the choice of one consul, but the other was chosen by the curies, till after the decemvirate. The troops under Sp. Furius, the consul chosen by the centuries, fought bravely for the honor of the man whom they had elected; but the troops under Fabius, the other consul, chosen by the patricians, did not look upon him as a legitimate consul, and threw away the victory when it was already in their power, abandoned their camp, and retreated to Rome. The Fabii saw that the consulship was but a melancholy honor, under such circumstances, and they resolved to make friends with the commonalty. Distinguished as they were for bravery and generosity, the attempt was successful; the reconciliation was complete, and a Fabius was the consul chosen by the centuries. The Fabian house no longer acted in concert with the patricians to preserve their usurped power. Cæso Fabius, who had condemned Cassius to death, because his agrarian law was an encroachment upon the aristocracy, now, when he entered upon his office as consul, recommended to the senate that the law should be carried into execution, but the aristocracy would not listen to him. They reviled him and his house as traitors and apostates

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to their order. Fabius, after a glorious campaign, renewed his propositions for a reconciliation between the houses and the plebeians. Finding there was no hope of obtaining a hearing for them, his house resolved to depart with their adherents and dependents, from a place where they could no longer live in peace, and to found a separate settlement. They marched to the river Cremera, erected a fortress, and took an active part in the war against the Veientes.

The catastrophe is well known; they were destroyed to a man by the Veientes. Niebuhr supposes that they were intentionally sacrificed by the Roman consul, Menenius, who was encamped with his army but a short way off at the time, and was afterwards condemned as the guilty cause of this disaster. This account is more probable though less romantic than that of Livy.

We shall merely notice a few of the most distinguished personages in the second volume, and especially one or two of those whom Niebuhr has endeavored to vindicate from the unjust censures of other historians.

The most eminent and meritorious of these is Spurius Cassius, who was three times consul, and whom Livy calls the author of the first agrarian law. As represented by Niebuhr, he was one of the wisest statesmen and most accomplished patriots in the Roman annals. He gained three triumphs; concluded three treaties; formed an alliance between the Romans, Latins and Hernicans; and by his agrarian law endeavored to do justice to the plebeians, and attach them firmly to the state. He was tried and condemned by the populus, that is, an assembly of the patricians, whose enmity he incurred by the agrarian law. The law was finally executed, but not till after the death of its author.

The brave and patriotic founders of the Cincinnati, hardly made the best choice of the beau ideal of a patriot that antiquity could furnish. In his poverty, courage, disinterestedness and retirement to private life, Cincinnatus may resemble the heroes of our revolution; but he was the champion and efficient supporter of a much greater tyranny on the part of the patricians over the commonalty, than the founders of the Cincinnati ever resisted.

Niebuhr's account of him does not in most particulars differ essentially from that of Livy. In both he appears as the champion of the patricians in resisting the just demands of the ple-

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beians. Niebuhr considers him as guilty of the murder of Spurius Melius, the rich knight who relieved the distresses of the poor in a time of famine, and who was slain in the forum for the pretended crime of aspiring to the sovereignty.

Marcus Manlius, the savior of the capital, he supposes was innocent of the crime of which he was accused, but was finally driven into insurrection by the persecution of his enemies. The assembly that acquitted him was that of the centuries; the assembly which condemned him was that of the curies. This, and not the sight of the capitol, was the cause of the different decisions.

Coriolanus is rendered as familiar to us by the genius of Shakspeare as by all the historians. The legend of his exploits is partly connected with real facts, and in part must be fictitious. Niebuhr supposes that he spared Rome when it was in his power to take it, but on such conditions that he was guilty of no treachery to his new associates, as he lived to an old age among the Volscians, and the story of his being slain by his rival was a fiction invented long after. The whole account is placed too early in the common history by twenty years. This, however, would not be enough to save the chronology of Shakspeare, who makes the personages of the play talk of Cato and Galen, one of whom lived two hundred, and the other five hundred years later.

We have thus endeavored to call the reader's attention to this most learned and valuable historical production. We know of no work which will better reward the attention of the scholar, and of those persons who read history, not merely for entertainment as they do the last popular novel, but for accurate and useful knowledge.

Niebuhr had several of the qualities necessary to an historian of the highest order. The extent and minute accuracy of his learning, his keen sagacity, sound judgment, unwearied diligence, and happy talent of bringing all his vast knowledge to bear upon his subject as he almost always does, has enabled him to elucidate the progress of society, and solve many perplexing riddles which had baffled the researches of other historians.

He had a high, though perhaps not an exaggerated, sense of the importance of his subject. When the Roman empire is viewed as connecting the ancient and modern world, and as the source from which the modern civilized nations derived a great part of their language, literature, laws and institutions; when the great events and distinguished personages exhibited

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in its history are considered, we may justly conclude that no nation has had a more extensive and durable influence on the condition and character of the human race.

Some eminent historians in modern times have too much the character of partisans, and advocates, and view actions, characters, and events not in the light of truth, but through the medium of party prejudice, and write history in the style of political pamphlets, or newspaper essays. We do not perceive in Niebuhr an attempt to support any political system or party, but there is visible throughout the work a strong love of truth, a deep sense of right and wrong, a sympathy with the injured and distressed, and an indignation against injustice and oppression. No writer is more unlike the historians of whom Chesterfield complains, as shewing a "provoking contempt for humanity in general, and who would lead their readers to think that the human race consisted of about one hundred and fifty persons, called and dignified (commonly very undeservedly) by the titles of Emperors, Kings, Popes, Generals, and Ministers of State."

Niebuhr does not confine his attention to great events and great men, to consuls and dictators, victories and triumphs, but he shews the internal state and condition of society. Political events, changes in the constitution, laws, acts of public men, he considers and estimates with reference to their influence on the welfare of the people. He has the most perfect purity and uprightness of intention, but his sympathy with the oppressed, and indignation at all injustice and tyranny, may sometimes lead him to undue harshness in condemning the conduct of the patricians.

In attempting to point out the errors and deficiencies of the work, we might say that there is sometimes a want of perspicuity and methodical arrangement, that it is not always easy to see the bearing of the author's facts and illustrations, and that he is sometimes more confident in his conclusions than his premises warrant. We think too, that the composition of the work is not quite equal to the value of the materials, and that the author has been more successful in the acquisition of knowledge, than in his manner of communicating it. But in a production of such rare excellence, we believe the reader, in proportion to his acquaintance with it, will admire the genius and learning of the author, and be the less inclined to dwell on any defects. It is evident that inquiries of this

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nature, carried on with such freedom and boldness, and leading in so many instances to results, different from the common belief, will unavoidably be liable to some doubts and objections.

We are fully sensible that our efforts must fail of giving an adequate impression of the merit of this great work, which we think unlikely ever to be surpassed in its own department, and we can hardly hope that any historian will arise to finish the vast fabric of Roman history, according to the magnificent plan of Niebuhr, and in a style to correspond with the foundation he has laid.

ART. V.—*Professor Hitchcock's Report on the Geology, &c. of Massachusetts.*

1. *Report on the Geology, Mineralogy, Botany, and Zoology of Massachusetts, made and published by order of the Government of that State. With a Descriptive List of the Specimens of Rocks and Minerals collected for the Government. Illustrated by numerous Wood Cuts, and an Atlas of Plates.* By EDWARD HITCHCOCK, A. M., Professor of Chemistry and Natural History in Amherst College, &c. Second Edition, corrected and enlarged. Amherst, 1835. 8vo. pp. 702.

GEOLOGY has for its object the natural history of the earth. It is regarded by Professor Mohl as a department of Physical Astronomy. Its name is derived from the Greek γῆ, earth, and λόγος, a discourse; and is understood to signify the doctrine or science of the earth. This science investigates and describes the structure of our globe, the nature of its various components, and the laws which have effected, and still continue to produce, changes in its mass. It not only explains those things which are interesting to a philosopher, but also aims to be practically useful. Descending with the miner into the darkest subterranean recesses, it directs, by its light, his operations to their most successful results. The situations in which are found the valuable metallic ores, beds of coal, gypsum, rock salt, strata of limestone, marble, and a thousand other materials useful to man, are pointed out with a great degree of accuracy, and are all described as they occur in nature.

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Soils are found to consist of the detritus of decomposed, and disintegrated rocks, mixed with variable proportions of vegetable and animal matter; and the nature of the mineral elements is known to have a great influence on their fertility, and their adaptation to the different kinds of plants, which are cultivated for the use of man. A knowledge of soils is indispensible to the geologist; and his science aids the agriculturalist in amending those which are sterile, from the presence of noxious matters, or from an undue proportion of certain mineral elements. The architect and engineer are indebted to this science for an account of the nature and situation of valuable materials used in their constructions, and for indications by which they may avoid those which have within them substances that will cause their rapid decay, or deface their beauty. Thus they are enabled to select building stones which will defy the ravages of time, and retain their original texture and color.

By the aid of geology we are directed to our great mineral resources, which constitute an important part of the solid basis of national prosperity in the useful arts. Materials required at all times, but more especially in time of war, when obstructed commerce cuts off our supplies from foreign lands, are unfolded and are ready for use the moment they shall be required. Mines of iron, copper, lead, sources from which we may obtain nitre, sulphur, and other indispensible materials for national defence, are thus pointed out, and give us a feeling of greater security and independence; for we hold to the maxim, that every country should have within itself the means of support and defence. There are memorable instances on record, of nations having been thrown on their internal resources, and having been rescued by science from destruction.

It is evident that a scientific geological examination, is the cheapest and best means of bringing to light the valuable minerals of a country. How vast an amount of property has been lost by absurd mining speculations, the abandoned pits in every part of our country can amply testify; and even now, we hear of new projects which are continually springing up, and which end, as might be anticipated by a geologist, in total failure. During the last summer, we witnessed many absurd researches for coal and metals, in places where, according to the laws of nature, they never are found. Pits were sunk at

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great expense, into granite mountains, for coal; and the delusion was often kept up by the discovery of a black and brilliant mass or crystal of tourmaline, which, to those ignorant of mineralogy, appeared to be an indication of coal; although to one acquainted with that science, it was a most decisive proof that no trace of that valuable combustible would be found there.

We have seen a company actively engaged in boring for coal, at great expense, in strata standing in nearly a perpendicular position. Had they understood the first principles of geology, they would have seen at a glance, that such an operation was useless; for, had the strata belonged to the coal series, which they did not, the coal would have been found at their out-cropping edges, and on the surface of the earth, and not, as they had imagined, at a great depth.

Subscription books for stock in a coal mine, proposed to be opened in the midst of primitive rocks, have been presented in many of our large cities, and more than a thousand persons have put down their names for shares, and paid a certain sum in advance, to carry on the work. A geologist could have informed them at once, that such researches were idle and must fail.

The brilliant lustre of iron pyrites has led many a worthy farmer to abandon the cultivation of his farm, and to dig deep in the earth for supposed mines of gold and silver; and companies have been formed with similar expectations, and their capital wasted in unprofitable labor, when the question respecting the value of the mineral, might have been settled in a few minutes, by a mineralogist or chemist.

Did our limits permit, we could cite thousands of similar facts, which have presented themselves to our observation, in our Mineralogical and Geological excursions, but we forbear; and should our reader feel sceptical on this subject, we advise him to set out on a similar journey, armed and equipped in character, and to converse with the people he may meet with in his travels, respecting the supposed mineral wealth of their districts. He will be sure, even if he does not collect a supply of brilliant minerals, to amass a fund of amusing and instructive anecdotes about the mineral divining rod, and mines of gold, and silver, besides hearing of an abundance of Kidd's money buried in the earth.

We have alluded, briefly and generally, to some of the prac-

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tical uses of Geology; but it is evident that there are other and higher claims, possessed by this science. It opens to us the great book of nature, where we may read the eternal truths of creation, those "sermons in stones," which were written by the finger of the ALMIGHTY, and which bear indisputable proofs of his wisdom, goodness, power and omnipresence.

Whoever enters on this study with proper feelings, and pursues it with intelligence and success, can never look back, but is continually urged onward by the discovery of new and wonderful truths, which fill his mind with the most sublime emotions. The world has its history written on its strata; a history so interesting, that the most splendid fictions of the human imagination sink into insignificance when compared with it; in the same measure as all human productions must, when compared with the eternal works of the Creator. The enthusiastic zeal of every true Geologist, testifies that his pursuits are of the highest interest, and is a sure promise to the beginner, who sees but dimly into the system of the world, that knowledge will, in itself, be a sufficient reward. When we study inorganic matter in its natural state, we contemplate the materials whence all organized beings derive their corporeal substance. Plants and animals draw the elements of which they are composed, directly or indirectly from the mineral kingdom. Hence it will appear that a philosophical study of organized beings should begin with the consideration of the primitive mineral elements, and trace their several states of existence in an ascending order.

Although Geology is confessedly in its infancy, we may observe, as the celebrated Gay Lussac has remarked of Chemistry, that the science is so rich in facts that not a single individual in the world can be found, who is possessed of one tenth part of what is known. We shall therefore look in vain for a perfect Geologist. The immortal Cuvier knew but little of Mineralogy and Chemistry, while by his knowledge of comparative anatomy, applied to Geology, he unveiled the history of the world before the creation of man. It is not then to be expected, that any one Geologist will attain to perfection in every department, and there is room enough for division of labor.

A knowledge of Natural Philosophy, Mineralogy, Chemistry, Botany, and Zoology, is essential to the complete Geologist;

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besides which, he should possess the power of remembering details of science, and of generalizing facts. If any man attempt to master all these branches of science, life would be too short for its accomplishment. Either a superficial knowledge of the whole may be obtained, or he may endeavor to become as nearly perfect as possible in some departments, and take a more partial glance at the others, and he may then call in the aid of those who have mastered particular branches, to assist him when he is undecided. Division of labor is then called for, and this will be the natural result of enlarging the domain of science. Inorganic matter presents itself in three different states; solid, liquid, and gaseous. The first has received the principal share of the Geologist's attention, while the two latter have chiefly been considered by him on account of their influence on the former. They all properly belong to Geology, and should be described in a complete system. The solid matter of the globe has been variously divided by Geologists, according to their individual views of the subject. Some have sought to find out natural divisions, others have formed a more artificial arrangement. The division into stratified and unstratified rocks, seems to satisfy, in some degree, those who seek for a natural method. Others have paid less regard to this system, and have endeavored to classify rocks according to their relative age, as proved by their relative position, and the fossils they contain. The first class of rocks, acknowledged by all Geologists, is the primary or primitive formation, in which no organic remains are ever found; such as granite, gneiss, sienite, &c. The next series of rocks, called the transition formation, is still a subject of discussion; some considering it a distinct formation, others maintaining that it cannot be divided from the secondary series. The fossil trilobite is considered as its distinguishing mark. The secondary rocks lie above those called transition, and contain numerous fossil shells and plants. The tertiary comes still higher in the arrangement, and is characterized by containing many shells analogous to existing genera and species, lignites, and numerous fossil bones of fishes, reptiles, and quadrupeds.

The diluvial formation consists of water-worn stones, sand and clay confusedly mixed together, and bearing evident marks of having been subject to the action of powerful currents of water.

The alluvium is a formation continually produced by the ac-

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tion of water on hills and mountains, the detritus being washed down into the plains and valleys, and deposited at the sides and mouths of rivers. Volcanic rocks are thrown out in the form of streams of lava, scoriæ and volcanic sand, and cover a comparatively limited area of country. It will be understood by our reader that we have enumerated the rock formations in an ascending order, beginning with the lowest that have ever been discovered.

Most of the stratified rocks appear to have been deposited from water, and to have subsequently become indurated; while the unstratified rocks generally bear indisputable marks of igneous fusion, and have mostly been protruded from below through the overlying strata, effecting remarkable changes in the rocks through which they were injected. Those Geologists who deny the existence of the transition formation, account for the difference between those rocks and the secondary, by supposing them to have been powerfully heated by the protrusion of the primary rocks in an incandescent state against and through them, which gave the strata a more crystalline aspect and greater induration. In case this class should be dispensed with, the formation will be designated as the older secondary series, which, for the sake of the numerical nomenclature, is upon the whole desirable. Some Geologists study rock formations in an ascending order, beginning with the lowest known, and describing the different strata as they lie one above the other. This is also the most simple and easy method of teaching the science, for the upper rocks are chiefly composed of the fragments and fine particles of those beneath them. The lowest rocks are destitute of fossil remains of organized beings, and they are therefore less complicated, and more easily studied. The organic relics continually increase in number as we ascend, and become more and more complex in their structure; so that the student is gradually advanced in the study according to the order of creation, until he comes to the recent epoch when man appeared upon earth. Others have thought the descending order a more natural method, and beginning with the alluvial soil, penetrate downwards, until they reach the lowest known rocks.

This is the order pursued by the author of the Report before us; and although we do not think it the most easy and natural method, we are still willing to concede to him his point of view, and are ready to admire the marvels of nature which he is able from thence to descry. It may be advantageous to

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take our observations from different points, as more confidence can be placed in their results, if they should be found to coincide.

An eminent French Geologist has observed, that if there were any country where a general system of geology could be constructed, it was America, where the great extent and prominent features of her mountain ranges are best calculated to display the structure of the globe.

To Massachusetts belongs the honor of having made the first complete geological survey of a whole state, under the authority of government; the surveys of this nature in Europe having been made by individual exertion, and seldom or partially accomplished by the aid of government. It is highly creditable to our state that such a survey should be called for by the voice of the people, as it proves that a greater degree of liberality, intelligence and science is diffused among the people than can be found in any a similar class in any state of Europe. We are rejoiced to perceive that many other states of our confederacy are following the example of Massachusetts. Tennessee has been, in part, carefully examined by Dr. Gerard Troost; Maryland is undergoing a thorough exploration by Messrs. Ducatel and Alexander; Virginia, Ohio, Pennsylvania, New-Jersey, New-York, Connecticut and Maine, are taking measures to effect a similar object. The Carolinas have been only partially explored, and in reference wholly to their gold mines. The government of the United States has employed a Geologist to survey the unexplored public lands, and a report has been published respecting the Geology of the Arkansas, which, we regret to say, does not give much satisfactory information respecting the districts which it proposes to describe.

Should each and every state in the Union be examined by competent Geologists, the greatest advantages will necessarily accrue to science, the arts and commerce. Those mineral riches that are wanting in one state will be discovered in another, and a mutual and beneficial dependence will render their union still more indissoluble.

The Geological survey of Massachusetts was undertaken by Professor Hitchcock, under the direction of the state government, as authorized by an act of the Legislature, passed the 5th June, 1830, and on the 2d of February, 1831 a resolve was voted to authorize the surveyor to add to his work a list

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of the Mineralogical, Botanical and Zoological productions of the commonwealth. In 1833 the first edition of the work was published, with an appropriate geological map, wood cuts, plates, catalogues of specimens, and lists of native plants, and animals. Copies of this work were presented to the members of the legislature, and to all the scientific and literary institutions of the state. The first edition being soon exhausted, a second and much improved one was published in 1835, which was disposed of in a similar manner by government. This edition is, in many respects, superior to the first, as many additions were made to it, and extensive and corrected catalogues were substituted for the old and imperfect ones in the former edition. The collections of rocks and minerals made to illustrate the Geology of the state were fifteen hundred and fifty specimens for the government, and nine hundred for each of the three colleges of the state. The government collection has been deposited, by state authority, in the cabinet of the Boston Society of Natural History, where they have been arranged, and can always be examined by the members of the government, and are open to public view every Wednesday.

The Report is divided into four parts viz.: Economical Geology, Topographical Geology, Scientific Geology, Catalogues of Botanical and Zoological productions, and lists of specimens. Under the head of Economical Geology, Professor Hitchcock describes the rocks, soils and minerals that may be applied to useful purposes, and thus become sources of pecuniary profit. First, as relates to Agriculture; such as alluvium, forming the rich and fertile soil in low lands; diluvium consisting of rounded pebbles, sand and clay confusedly mixed together, by powerful currents of water in olden time, probably by the last great flood described in the scriptures. This formation, although highly interesting to the scientific geologist, is not considered a good soil by agriculturists, but is capable of being ameliorated by loam and manures. The fine white siliceous sand of Cape Cod belongs to this formation, and is useful in the manufacture of glass. The tertiary formation presents an abundance of potter's clay, arranged in regular layers, one above another, alternating with layers of sand. This formation is difficult to distinguish from the preceding, and is chiefly marked by its regular stratification, and by its fossil shells. It does not however resemble the formations of a similar name in Europe, on account of the absence of beds of calcareous marl, and abun-

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dance of shells which there occur. Professor Hitchcock does not consider this a good soil, although it is said to be congenial to rye and some other hardy plants.

New red sandstone is a rock occurring abundantly in the valley of the Connecticut, and on account of its ready disintegration, forms a soil which is said to be very good for the growth of rye, grass, fruit and forest trees.

Argillaceous slate and graywacke, when decomposed, form a good soil of a dark color, capable however of improvement. Bog iron ore, in low lands, produces a soil of deep red color, but its action on vegetation is unknown. Steatite, serpentine, scapolite rock, limestone, porphyry, quartz rock, chlorite, talcose, mica and hornblende slates, from the small quantity in which they occur, or the difficulty with which they yield to the usual causes of decomposition, are not supposed to contribute much to the formation of soil. Granite, sienite and gneiss, are said to produce good soils, although in Europe, the contrary opinion generally prevails. Greenstone, when decomposed, forms a warm and fertile soil.

The rocks and minerals which, from their nature and quantity are considered valuable, are granite, sienite, gneiss, greenstone, hornblende slate, porphyry of several kinds, quartz rock, mica and talcose slates, limestone, marble, serpentine, soapstone, graywacke, novaculite, red sandstone, porcelain clay, potter's clay, marl, peat and the Worcester coal (graphite.)

The ores of metals, are those of iron, lead, copper, zinc, manganese, and a little silver in lead ores. These constitute the valuable minerals of the state; and we refer the reader to the Report where he may learn the localities.

Professor Hitchcock closes his article upon economical geology, by relating some instances of idle and absurd researches for gold, silver and buried money, which illustrate the importance of a scientific geological survey of the country.

When we express our opinion of this part of the Report, we do no more than agree with the author in observing, that it calls for more ample details, which, however, it will require a longer time to collect, and which we hope will be hereafter added to the work. If this part of the Report should be thus enlarged, and contain a full description of all the localities where quarries and mines may be wrought, the methods to be pursued in working each particular mine or quarry, with plans of mines, furnaces, forges, processes for amending soils, manu-

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facturing alum, copperas, blue vitriol, saltpetre, sea-salt, Epsom salts, sulphate of soda, &c., it would become the *vade mecuum* of practical workmen, and would greatly contribute to improve the arts and sciences.

Under the head of Topographical Geology, Professor Hitchcock describes some of the most charmingly picturesque scenery of the state, and aided by the skilful pencil of his lady, he has given us some very beautiful drawings in illustration of the subject. "Since," as he observes, "the contour of a country owes its peculiarities, in a great measure, to the character of the rocks found beneath the soil," it will be evident that such pictorial delineations are not misplaced in the geological description of the state.

"The extended plain is considered alluvial or tertiary. The precipitous ridge or mountain, if dark colored, will indicate trap rocks; if light colored, granite; if the summit be rounded, and the aspect red or gray, it may be supposed to be made up of sandstone. The more extended and less precipitous mountain ranges, stretching away over many a league, correspond more nearly to the outlines of primary rocks.

"Massachusetts is peculiarly mountainous. But mountain scenery is not particularly interesting, if the slopes are gentle and the outlines of the hills are much rounded. It needs the sharp towering peak, the overhanging cliffs, and the roaring torrent beneath, to arrest the attention and excite strong emotions. Such objects are numerous in this state, especially in the western part. Here, we find some scenery that is truly Alpine." — pp. 83, 94.

Professor Hitchcock thus expresses his emotions on looking down from the summit of Saddle Mountain, an eminence rising 2,800 feet above the valley at Adams, and 3,600 above the level of the sea.

"I know of no place where the mind is so forcibly impressed by the idea of vastness, and even of immensity, as when the eye ranges abroad from this eminence. Towards the south, you have a view, more or less interrupted by spurs from the Taconic and Hoosic ranges of mountains, of that fertile valley which crosses the whole of Berkshire county. On the right and left you look down upon, or rather overlook the Taconic and Hoosic mountains, which from the valley beneath, seem of such towering height and grandeur. Beyond these mountains, on every side, you see the summits of peak beyond peak, till they are blended with the distant sky. The objects in the immediate vicinity of the mountain, do not forcibly arrest the attention; though from

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the northern point of the summit, I should suppose the valley of Williamstown must be delightfully exhibited. Still, the vast depth of the valley around you, as you stand upon Greylock, contributes, no doubt, to swell the feeling of immensity and sublimity produced by looking abroad among such a sea of mountains." —p. 85.

The view which the author of the report enjoyed from the summit of Mount Tom, is so similar to one seen from the Rigi, that we lay it before the reader, as a miniature of a more magnificent spectacle, seen among the Swiss Alps.

"I obtained from this mountain, one summer morning, a striking view, while yet the whole valley of the Connecticut was enveloped in fog, and Tom, with a few other elevated peaks, connected with the greenstone range alone, rose above the vapor. The sun shining brightly, and the wind gently blowing, gave to this fog a strong resemblance to an agitated ocean. To the north and south, it seemed illimitable; but on the east and west, the high mountain ranges, that form the boundaries of the valley of the Connecticut, constituted its shores. I could not but feel transported back to that remote period, when this great valley was enveloped in like manner, by water, and Holyoke and Tom formed only low and picturesque islands upon its surface." —p. 91.

We agree, entirely, with the following remarks, of the Professor.

"What a pity it is, that so many of the most interesting mountains and hills in Massachusetts have got attached to them such uncouth and vulgar names! How must the poet's lines

> ——————— 'scramble up and down,
> On disproportioned legs, like Kangaroo,'

if such words as Saddle Mountain, Rattle Snake Hill, Bear Town Mountain, Mount Tom, Mount Toby, Sugar Loaf, Blue Mountain and Deerfield Mountain, be introduced. Holyoke, Taconic, Hoosic and Wachusett, are more tolerable; though most of them have an Indian origin. It would have been fortunate, if our forefathers had not attempted, in general, to supersede the aboriginal designations. For what mountain can ever become an object of much regard and attachment, if its beauties and sublimities cannot be introduced into a nation's poetry, without producing the most ridiculous associations!" —p. 93.

Fortunately, there are some summits in the state yet unnamed. It is to be hoped that men of taste, will see to it, that no further additions be made to the catalogue *of uncouth and barbarous* names.

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The atlas of plates illustrating the Report, contains one general map, on which the rocks are represented by colors; one of the valley of the Connecticut; one indicating the general directions of strata; four sections of the rock formations, crossing the state in different directions; a tabular view of the rocks and minerals; nine views of scenery, together with four plates, representing organic remains of plants and animals found in the rocks; most of which drawings are due to the pencil of Mrs. Hitchcock. The colored map represents, with as much accuracy of detail as its size would permit, the great deposits of rocks and soils found in the state. The map of the valley of the Connecticut is uncolored, and displays with great fidelity its peculiarities. The map showing the directions of strata, is an outline sufficiently accurate to give a general idea of the subject. The sections are valuable additions to our knowledge of the relative positions of the rocks.

The tabular and systematic view of the rocks and minerals is so arranged as to show the different great formations and their imbedded minerals, with reference to the systems of Werner, Macculloch, Conybeare, De La Bêche, Brongniart and Lyell, and the natural division into stratified and unstratified rocks is adopted, while the series of rocks may be read off in either the ascending or descending order. This table is one of great value, as it removes all difficulties arising from any peculiar views which the author may entertain, and the student is at liberty to chose which ever he pleases of the general systems in the study of the rocks.

Mrs. Hitchcock's drawing of picturesque geological scenery, are equally acceptable to the geologist and the admirer of nature. The drawings of fossil remains present to the reader a view of the strange and wonderful organized beings that formerly inhabited the soil where we now live, and demonstrate to him the state of this part of the globe, at the time when such animals and plants flourished. The atlas presents to the eye the principal interesting points in the geology of the state, and is certainly a most valuable and useful accompaniment to the Report. We regret that neither time nor our limits will allow us to enter into an analysis of this portion of the work, and we refer the reader at once to its pictorial delineations.

Under the head of Scientific Geology, Professor Hitchcock

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describes the different groups of rocks which occur in the state, and endeavors to explain the theory of their formation and the analogies which they present to their supposed equivalents in Europe. He explains the manner in which he wishes the term rock to be understood, and uses this word in its most extended sense, as implying not only solid masses but also detritus, loose stones, sand, gravel, clay and soils.

The rocks are divided into stratified and unstratified; and are described in the descending order, beginning with the superficial soil or alluvium.

Stratified rocks, are those which are disposed in layers, having parallel and continuous seams. The upper part of the earth's crust consists chiefly of unconsolidated layers of sand, clay and gravel; and the lower down we examine the strata, the more dense and solid they become.

Alluvium is divided into several different kinds, such as that deposited by rivers, that washed up by the sea, and that of salt marshes.

Under this class are described several curious sub-marine forests situated in the waters near Cape Cod and Martha's Vineyard. It is suggested that others may be discovered along the south-eastern coast of the state, and perhaps along the whole Atlantic coast. As this subject has but recently attracted the attention of geologists, we hope that such persons as may enjoy the opportunity, will endeavor to bring to light more examples of submerged forest trees, and note particularly their depth below the tide waters.

Coasters and the officers of the Revenue Cutters, can render geology an important service by such observations, provided they will note down at the time, the facts they may observe, and send them to some public journal or newspaper. Examples of submerged forests are known in Europe, as they occur chiefly on the shores of England, and when a sufficient number of facts are collected, a general theory may be formed to account for them. At present, they cannot be satisfactorily accounted for.

Peat originates from accumulated and partially decayed plants, which collect in the bottoms of shallow lakes, and in the course of time fill the space formerly occupied by the water, rising to the surface; numerous sphagneous plants, mosses and ferns grow in it, and add their matter to swell the deposit. By this process a peat bog is ultimately formed, and

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proves valuable to the inhabitants of a country, as the wood is cut away and becomes scarce. It is capable of supplying, in a great measure, the want of coal in many districts, and is highly valuable for domestic use, and for fuel in manufactories. It is, therefore, a matter of congratulation, that this substance is found to exist in great profusion, in every part of our state. The causes which produce this substance are thought to be continually diminishing, but as many of the present peat bogs are yet too soft and wet to be advantageously explored, there will be a supply of this fuel for many ages, brought to an available condition by the gradual draining of swamps and ponds. Marl occurs in the bottom of ponds, and is generally found beneath the peat. The latter locality is not mentioned in the Report.

This substance consists of fine clay and carbonate of lime; and that found under peat is saturated with vegetable juices, so as to render it a very valuable manure for soils, particularly for those of a sandy nature, or those impregnated with sulphate of iron. We beg leave to call the attention of agriculturalists to this substance, since we have seen it render fertile many a barren tract of country. It is the carbonate of lime in the marl, that has the property of decomposing the sulphate of iron, removing a noxious ingredient, and replacing it by sulphate of lime or gypsum, a salutary stimulant to vegetation.

Professor Hitchcock observes, that marl is found in the bottoms of ponds in Berkshire county, and that it is continually deposited there by the water.

There are several other kinds of alluvium described in the Report, such as that of disintegration produced by decomposition of the rocks, and that of degradation or such as is produced by the washing down of the sides of hills and mountains.

The formation of bog iron ore is accounted for by the decomposition of iron pyrites, which forms sulphate of iron, and this substance decomposing again by the influence of the carbonic acid of the air, carbonate of iron is deposited in the lowlands where the sulphate had flowed in solution. Probably the action of the carbonate of lime and that of the alkalies of felspar may aid in the process, as does that of light and vegetable matter, providing a continual deposit in the meadows and ponds in the vicinity.

The action of the ice on bowlders is considered; and the encroachments of the sea in the formation of harbors explained;

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as is also the gain of the land upon the sea in some places. In this part of the Report we perceive that the Professor did not find the sands of Cape Cod altogether barren. The excavation of valleys forms an interesting article, in which the Connecticut plays a conspicuous part; but the author does not think that river ever excavated its own bed, but that powerful causes, such as the elevation of strata and the mighty rush of diluvial waters with floods of ice, contributed to excavate the channel through which the river now winds its gentle course.

Diluvium. This deposit, the origin of which is assigned to the rush of waters which took place in the last great deluge, has fixed for a long time, the serious attention of the author of the Report; and his observations are of the deepest interest. He has devoted a few pages of his work to the history of this very remarkable deposit, and has published, in another work, a more full exposition of his views. Under the term Diluvium, Professor Hitchcock includes the layers of gravel, bowlders, sand and loam, which are spread over almost every part of the surface of the earth, and which has been confusedly mingled together by the action of powerful currents of water subsequent to the deposition of regular strata. He does not suppose that the last transient deluge could have produced and brought to its present situation all the diluvium which is spread over this continent.

"It has," he observes, "obviously been the result of different agencies and of different epochs; the result of causes sometimes operating feebly and slowly, and at other times violently and powerfully.

"But the conclusion to which he has been irresistibly forced, by an examination of this stratum in Massachusetts is, that *all the diluvium, which had been previously accumulated by various agencies, has been modified by a powerful deluge, sweeping from the north and north-west, over every part of the state; not excepting its highest mountains.*" —p. 148.

This position is ably maintained by examples in the topography of this deposit and the history of erratic bowlders.

It is an indisputable fact, noticed in various quarters of the globe, that large masses of rock have been transported to a considerable distance south of their original localities; thus the bowlders found around the city of St. Petersburg in Russia can be proved to have been derived from the mountains of Norway and Finland. In England, Germany, France, Canada, Nova Scotia and various parts of the United States, similar

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observations have been made by many geologists. Professor Hitchcock declares, that he was always able to trace the erratic bowlders of this state to a more northern locality whence they originated. He was led to notice this fact especially, as he began his survey of the southern part of the state and travelled through it, in consecutive parallels, in the same direction, and remarked that when he saw erratic stones, he always found the locality where they occurred, by proceeding northward; and the bowlders and blocks of stone became larger as he advanced towards their original locality. This fact is so well settled in geology, as to direct the traveller to the spot where the rock or mineral occurs, with a great degree of certainty of finding it in the direction from which according to theory it should be found.

There are some difficulties to be surmounted in conceiving how such enormous masses could have been transported to the distance through which they have evidently travelled. Various theories and hypotheses have been proposed; some, supposing the power that moved the rocks, to have been water in a liquid state, and others that it was ice forced onward by a terrible rush of water from the north arctic regions. Professor Hitchcock favors the latter hypothesis.

The second argument, brought forward by this gentleman to prove the direction of a powerful deluge, is, that there are grooves, scratches and furrows in the rocks, which appear to have been produced by friction of rocks, pebbles and water, which all coincide to prove that the current came from the north or north-west. Numerous localities are cited, to which the reader may refer. To prove that such a current prevailed on the most elevated of our mountains, he remarks, that the diluvial scratches may be seen on Wachusett, a mountain elevated three thousand feet above the sea. Professor Hitch cock concludes with this remark.

"It would be easy to multiply examples of this kind of diluvial action. But the cases that have been described, occurring as they do in every part of the state, and frequently upon its highest mountains, seem sufficient to lead every reasonable man to the conclusion that these grooves and furrows were produced by the large bowlders, which now strew the surface, and exhibit in their rounded forms and smooth surfaces, the marks of powerful abrasion. And since we uniformly find these bowlders to the south and south-east of their parent rock, how can we doubt that a mighty current of

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water has sometime or other swept over the surface from the north and north-west? It seems to me, that in regard to Massachusetts, the evidence of such a deluge is complete; and it is difficult to see how it could be more conclusive." — p. 170.

The facts that have been discovered tend to disprove the conjecture thrown out by Mons. L. Elie de Beaumont, in his Researches on some of the Revolutions of the surface of the Globe, that the last deluge might have been produced by the elevation of the Andes; for the diluvial wave evidently appears to have come from the north, which we cannot conceive to have been effected by such an event. We are aware that M. Beaumont only suggested this, as a possible explanation of the event, without attaching any importance to the conjecture. In the present state of our knowledge, it will be difficult, if not impossible, to assign a sufficient or probable cause of this grand cataclysm. May it not be that the sudden elevation of a chain of mountains would effect a change in the position of the earth's axis of rotation, and thus cause a tumultuous wave from the polar regions to rush over the land? Do not the remains of animals of warm climates found frozen in the ice and sand of Siberia and Kamscatka, with their flesh preserved, seem to indicate a sudden transition of temperature in those regions, such as might thus have been effected? More extensive researches may yet lead to such a conclusion, and we do not think it will be necessary to advance any hypothesis for any other purpose than to excite investigation.

Professor Hitchcock remarks, that he has no doubt that the mounds of the Western States, supposed by antiquarians to have been the work of man, are in reality diluvial or tertiary deposits, and not the work of mortals, but of God.

The organic remains found in diluvium are few and uninteresting, mostly belonging to recent species of shell-fish.

Tertiary formations are described in the Report under two divisions.

The most recent tertiary, and the plastic clay formations;—

"These are distinguished from each other by their mineralogical characters, their organic remains, and the different position of their strata." — p. 178.

The most recent tertiary is found to constitute extensive beds in the valley of the Connecticut; and a few patches are described as occurring at Cambridge and Charlestown. This

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formation is said to exist in horizontal strata, and is, in this state, remarkably free from organic remains. It consists of alternating layers of white sand and clay, and its upper surface bears marks of disturbance from diluvial action; while the beds of clay themselves, appear to have been disturbed, in some places, during their deposition, as is proved by contortions which the strata exhibit. In this deposit are found extensive beds of brown oxide of iron; hæmatite and nodular, argillaceous, iron ore.

Organic remains rarely occur, but Professor Hitchcock thinks he has found ovulites and scyphæ. The fossil, figured as the ovulite, is similar to species found in the clay at Bangor, Maine. Those found at the latter place are more cylindrical, and resemble in form the belemite; but they have, in other respects, a close resemblance to the fossil figured by Professor Hitchcock.

The plaster clay formation is described as occurring at Gay Head, Martha's Vineyard and at Nantucket. This formation is characterized by its variegated clays, layers of sand, gravel, iron ore and lignite; and contains numerous and very remarkable organic remains, such as impressions of leaves of plants, Carpolites, shark's teeth of gigantic size, indicating that they must have belonged to an animal at least thirty-six feet in length. Teeth of crocodiles and bones of enormous Saurian reptiles, probably those of the Plesiosaurus.

In the green sand at Gay Head, he found also remains of Crustaceous animals, such as crabs, which are much broken, shewing that they were deposited before the green sand had become stationary. Zoophytes were found in this same deposit, as were also several species of shells, such as the venus tellina and a turbo.

The author of the Report refers this tertiary formation to its equivalent, the plastic clay of Europe, and remarks that,

> "The variegated clays, the interstratified lignites with amber, and the intermixture of marine animals with terrestrial vegetable remains, must settle the question." — pp. 201, 202.

The plastic clay formation is also found in Duxbury, containing many fossil shells similar to those found at Gay Head.

The new red sandstone formation occurs, forming extensive beds in the valley of the Connecticut river, stretching from New Haven, Connecticut, to the north line of Massachusetts

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in Northfield. This formation is usually the depository of gypsum and rock salt, and in Europe, overlie the coal measures. It does not appear from Professor Hitchcock's examination to contain any considerable quantities of these valuable minerals in this state. He found it to contain many curious fossil relics, among others, impressions of fossil fish belonging to the genus *Paleothrissum*, exactly like those which are found in the state of Mansfield and Hesse in Germany; and the skeleton of a vertebral animal, several feet long, which was dug up at East Windsor, Connecticut, eighteen feet below the surface.

Ores of copper in this formation in Connecticut are found at Granby, and near the junctions of this rock with the greenstone trap rocks. Ores of lead, zinc, and iron, are found in a similar situation.

Among the fossil vegetables found in this formation are *Calamites*, *Lycopodites*, *Fucoides*, and the fossil trunk of a tree.

Zoophytes, of a remarkable character, were also discovered in the shale or fine micaceous sandstone forming the banks of Westfield river. Among them are enormous *Gorgoniæ* or sea fans, are of a magnitude surpassing the most gigantic species of the tropical seas. One of these remarkable fossils he has traced for more than eighteen feet in length and probably ten feet in width! *Radiaria* of several species are found in the fœtid limestone at West Springfield.

All the facts that have been discovered by the author of the Report, in the valley of the Connecticut, tend to prove, that the sandstone of that valley once formed the bottom of at tropical sea, in which flourished the various animals now found imbedded in the rocks; while those portions of the soil above the level of the water, produced those remarkable plants, which are now found petrified.

"It is certainly an interesting thought, that this delightful valley, which now forms so charming a residence for man, once constituted, for an immense period, the bottom of a tropical ocean, where gigantic Gorgoniæ, certainly twenty, and perhaps forty feet high, formed coral groves, and Fucoideæ more numerous, flourished.

"The astonishing change brought about in the course of ages, exalts our conceptions of the wisdom and extent of the plans of the Deity; and leads us to anticipate future changes, whenever those plans may require." —p. 246.

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Since the publication of the Report, Professor Hitchcock has made some remarkable discoveries in the new red sandstone formation of the Connecticut valley, which we think it proper to notice in this place. We allude to his account of the *ornithichnites* or *foot marks of birds*, which he has discovered in this rock, concerning which he has published an able and very interesting memoir in the American Journal of Science, Vol. xxix, No 2.

His attention was first called to this subject by Dr. James Deane of Greenfield, who sent him some casts of impressions on red, micaceous sandstone, brought from the south part of Montague, for flagging stones. The original impressions were presented by Dr. Deane to Amherst college, where they may be seen.

Professor Hitchcock afterwards saw some impressions of a similar kind in Deerfield, and learning that the stone came from Gill, he proceeded thither, and discovered a number of very large and distinct impressions in a quarry, near the *Horse Race* of Connecticut river. Several fine examples of similar kind were also found at South Hadley near Mount Holyoke.

The species of ornithichnites are divided into two orders 1st. *Pachydactyli* or thick toed birds. 2d. *Leptodactyli* or slender-toed birds.

The *O. giganteus*, is a bird track which measures sixteen or seventeen inches in length; while the distance of the steps from each other is from four to six feet! Several rows of tracks were found, side by side, rendering it probable, according to the Professor, that the birds were gregarious.

The foot marks called *O. ingens* are still more remarkable on account of their great size and the impressions of a hairy appendage upon the heel. He remarks,

"I have been led to suspect that the bird possessed a sort of knobbed heel, covered with wiry feathers, which sunk into the mud when the track was deep. Yet I do not feel very confident as to the nature of this appendage. The impression of the bristles extends backwards from the heel, at least eight or nine inches; so that the whole length of the track is not less than *two feet!* The length ef the step appears to have been about six feet; although I have had few opportunities to ascertain this fact.

"Indeed I hesitate not to say, that the impression made on the

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mud appears almost as deep, indicating a pressure almost as great as if an elephant had passed over it. I could not persuade myself, until the evidence became perfectly irresistible, that I was examining merely the track of a bird." — p. 15.

From the number of toes indicated by these tracks, he thinks the birds must have been a species of grallæ. The tracks are much larger than those of any ostrich, and are different in respect to the number and divisions of the toes. The skeleton of an ostrich in the museum of the Boston Society of Natural History has a foot, the greatest length of which is eleven and a quarter inches, while its legs are three feet seven inches long, and were perhaps four feet in length when the animal was clothed with flesh. Its toes are two in number, and very different from the drawings in the paper which we are noticing. The length of the animal from the extremity of the body to the head is six feet; and it could have raised its head upwards of nine feet from the ground. How greatly must the birds whose footsteps are described by Professor Hitchcock, have surpassed in size the African ostrich, when its feet were nearly two feet in length, and its stride upward of six feet. Professor Hitchcock does not doubt that these giant shore birds were twice as large as the largest of the ostrich tribe, and that they were the inhabitants of a hot climate, which existed at the period, when these enormous birds stalked along the shores of a tropical sea, which is supposed to have washed the valley of the Connecticut in olden times.

In corroboration of his views he cites the occurrence of corals, enormous Gorgoniæ, and other organic relics, which must have grown in a tropical sea, but which are now found in the solid rocks forming the embankments of the Connecticut river.

Professor Hitchcock has made plaster casts of all the most interesting of the bird tracks, and will send a suite of them to the Museum of the Boston Society of Natural History. He also offers to exchange similar casts for fossils from other parts of the country. We beg leave to refer the reader to the original memoir in the American Journal of Science.

The graywacke formation is described in the Report as including several kinds of rock, varying from a fine argillaceous slate to the coarsest conglomerate and brecci. It is usually considered as belonging to the transition series, a class which

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Professor Hitchcock does not adopt. This rock formation, which covers a great area of country, extending from Rhode Island to Boston, is one of the most interesting class, since it is the depository of anthracite coal, and contains many curious fossils belonging to that formation. The coal mines of Rhode Island are included in it, and the accompanying shales and wacke are filled with impressions of fossil plants, such as must have grown on the spot where they are found, and yet in a tropical climate. Since the Report was published, we have had the satisfaction of identifying a similar coal field within the limits of our state, where several narrow beds of anthracite of good quality have been found, indicating the probability of finding others of sufficient magnitude to be advantageously explored. Several species of Pecopteris and Neuopteris were found, and the trunk of a Cactus, besides numerous petrifactions, apparently belonging to the genus Calamite or Equisetum. The conglomerate rocks, such as may be seen at Roxbury, and extending from thence to Rhode Island, are composed of a very firm argillaceous cement, which is sometimes changed into a sort of compact felspar, and pebbles of various size, are agglutinated by this substance. These pebbles bear evidence of having been rounded by attrition, doubtless by the action of the sea, while the paste in which they are imbedded, was probably derived from their friction against each other, and the mud and sand of the shore of the former ocean. The most remarkable appearances are to be seen in these rock-pebbles, broken asunder as if cut with a sharp instrument, and their divided portions occupying different sides of a fissure. Dykes of greenstone trap have also been injected into and through it, effecting some curious changes in the rock when the dyke was of sufficient magnitude.

Every appearance observed in this rock goes to prove that it has been elevated by subterraneous causes from the sea, while the elevating rock was in an incandescent state, and acted powerfully upon the superincumbent rock. Those portions of the conglomerate which were powerfully heated, would of course lose the organic remains that might have been imbedded in them, and the paste would assume the compact appearance which it now presents.

By the agency of heat and of the elevating power, we are enabled to account for the fracture of the pebbles in their centres, and for every other phenomenon this rock exhibits in

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our vicinity. No one who examines the relative position of the greenstone trap and of this rock, can for a moment doubt that the former rock was the efficient agent in the disturbance of the strata. Among the changes, which the minerals included in this rock have undergone, may be noticed the conversion of anthracite into graphite in some places, as in Rhode Island; and perhaps we may be justified in the opinion, that the high temperature and pressure of the rocks when elevated, determined the formation of anthracite instead of bituminous coal.

The next series of rocks described in the Report is the clay slate, respecting which Professor Hitchcock is in doubt whether or not it can be referred to the graywacke group. It is certain that it belongs to the lowest of the transition series, as it passes by imperceptible shades into micaceous slate. It is this rock at Lancaster, which includes those remarkable crystallizations of andalusite that have been called chiastolite or macle, and which are certain to arrest the eye of the curious traveller who passes through that village, on account of their fantastic shapes, and the striking contrast which they exhibit to the dark rock forming their matrix.

The limestone rocks which occur in various parts of the state, but chiefly in Berkshire county, are described, and one deposit of encrinal limestone, existing at Bernardston, with fossils which were not noticed in the first edition of the Report. This limestone is said to contain imbedded ores of iron.

The limestones of Berkshire furnish several handsome marbles, which will doubtless become more valuable in commerce, when means of transporting them by rail roads shall be supplied.

Bolton, Boxboro' and Littleton have beds of limestone included in gneiss, which are worked for lime. At these localities occur many rare and beautiful minerals, which are eagerly sought for by mineralogists.

Scapolite rocks occur in abundance in the vicinity of the limestone beds. This rock is not, however, of any use in the arts.

Quartz rock exists in various parts of the state, and in some places is used in the manufacture of glass.

Mica slate, essentially composed of Quartz and mica, exists frequently in connexion with the gneiss rocks. It contains a variety of crystallized minerals, and occupies several large tracts in the state.

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Talcose slate is found in the midst of the mica slate of the Hoosic mountain range, and in various parts of the state. Its most important included minerals are ores of iron, of which the micaceous specular ore of Hawley is an example. Where this formation appears in Vermont, small quantities of gold have been found in quartz, associated with iron ore.

Hornblende slate and gneiss terminate the series of stratified rocks. The latter rock is used for buildings and for flagging stones, for which purposes it is well adapted. Its localities are so numerous that it will be unnecessary to quote them, since it is the most abundant rock in the state. It differs from granite only in its stratified disposition, and is closely connected with that rock.

Professor Hitchcock enters at length upon the discussion of the theory of its formation, which he thinks to have been affected by the heat of nether rocks which were elevated in contact with it. We refer the reader to the work for the details.

Unstratified rocks are regarded as having generally been produced by subterranean causes, and erupted to the surface by igneous agency. Greenstone is one of the most remarkable of this class, and generally bears with it internal evidence of its Plutonic origin. We refer our readers to Mount Holyoke and numerous localities in the vicinity of Boston for examples. Various simple minerals are found in this rock, some of which are probably the products of fire, while others were produced by subsequent infiltration. In a variety of amygdaloidal greenstone at Deerfield, Professor Hitchcock found a new mineral allied to Heulandite which he has named Lincolnite in honor of his patron the ex-governor.

Porphyry occurs in numerous parts of the state, and is especially abundant at Malden, Medford and Lynn.

Sienite, a rock consisting of mingled crystals of felspar, quartz and hornblende, is the rock now generally used in Boston and its vicinity for building stone, and its beauty and durability have caused it to be sought for architectural purposes in the cities of the middle and southern states; so that the Quincy quarry has become extremely valuable to commerce. Sienite is regarded by Professor Hitchcock as merely a modification of granite, into which it frequently passes by regular gradations, while it also appears to unite with greenstone in a similar manner. Like granite it is evidently a rock of

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sudden crystallization from igneous fluidity, as is proved, not only by its structure and composition, but by its action on other rocks. It forms a belt surrounding the environs of Boston, and extending from Quincy to Cape Ann, and is in contact with a great variety of overlying and subordinate rocks. Professor Hitchcock is of opinion that sienite has resulted from the fusion of stratified rocks.

Granite, as we have remarked, is the lowest rock to which man has ever penetrated, while it also peers out from the summits of the most lofty mountains, and appears to form the solid basis of the earth. It consists of quartz, felspar and mica in aggregate crystals, the relative proportions and arrangement of which is extremely variable, and the varieties thus produced are known by different distinctive appellations such as porphyritic granite, graphic granite, &c.

This rock exists in abundance in the state, in scattered bowlders, erratic blocks, and forms a continuous mass from Andover to Rhode Island. It also exists in Worcester county, forming numerous veins in gneiss and other rocks. It occurs also in mountain masses at Fitchburg, Westford and Lowell. The veins of granite, which intersect the superincumbent rocks, irrefragably prove the former rock to have been injected through the latter from below. Professer Hitchcock has given a number of wood cuts in his report, to illustrate this subject, shewing its intrusion into stratified rocks, such as mica and hornblende slates, gneiss and limestone, from which it may be fairly inferred that the granite was thrown up from below, effecting disruption of the superincumbent strata. Facts which have been collected in Europe, go to prove the same result, and the extreme antiquity of the origin and elevation of granite, seems to be now very doubtful, for it has been satisfactorily proved to have been elevated in numerous places, since the deposition of the secondary rocks. Granite is the rich repository of various valuable and brilliant minerals; ores of lead, copper and iron are of frequent occurrence, and Professor Hitchcock has found a crystal of oxyd of tin in this rock in Massachusetts, an ore that abounds in this rock in England.

Professor Hitchcock infers the igneous origin of Granite,

"1*st. From the inclined position of the stratified rocks.* 2*d. From the manner in which it is intruded among the stratified rocks.* 3*d. From the mechanical effects which it appears to have exerted upon the stratified rocks in its immediate vicinity.* 4*th.*

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From its chemical effects upon the surrounding strata. 5th. From its crystalline structure, and the numerous crystallizations of other substances that have taken place in it."

The Report concludes with the application of the theory of central heat, and Elie De Beaumont's theory of the elevation of mountains, in which the Professor endeavors to refer some of our mountain chains to the systems of the French Geologist, and in which he appears to have made some progress, although it will be necessary to make further researches before this arrangement can be depended upon.

The fourth and last divisions of the Report contains extensive and valuable catalogues of animals and plants which have been found in the state, at the end of which, is the following general summary.

		No. of genera.	No. of species.
I.	Mammalia,	26	45
II.	Birds,	70	157
III.	Reptiles,	7	34
IV.	Fishes,	57	108
V.	Shells,	76	169
VI.	Crustacea,	26	38
VII.	Spiders,	21	125
VIII.	Insects,	551	2350
IX.	Radiata,	18	27
	Total of animals,	802	3153
X.	Plants, *(flowering,)*	454	1246
	" *(flowerless,)*	140	491
	Total of Plants,	594	1737

The catalogues have been chiefly furnished by gentlemen cultivating the several departments of Natural History, and no doubt the number of species of animals and plants found in the state will be still much augmented by additional discoveries which are continually in progress. We have been compelled by the vast number of facts contained in the Report, and by our limits in this notice, to pass over, in a cursory manner, many interesting subjects, which are discussed in it, and which we must invite the reader to study in detail at the source whence we have already so largely drawn. We feel confident that many an otherwise weary journey may be made delightful, if the traveller would take the Report on the Geology of the

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state with him, and observe the curious phenomena which it describes, and we are sure he would return to his home a wiser and better man for this exercise of his faculties.

We cannot close this imperfect notice of Professor Hitchcock's great work, without referring the reader to some very interesting memoirs, which this author has published in the Biblical Repository for 1835, on "the Connexion between Geology and Natural Religion," and on "the Connexion between Geology and the Mosaic History of the Creation." These articles, in a literary and scientific point of view, are to be classed among the happiest efforts of the author, and cannot fail to be read with delight by every man of intelligence.

ART. VI.—*History of Concord.*

1. *A History of the Town of Concord, from its earliest Settlement, to* 1832; *and of the adjoining Towns, Bedford, Acton, Lincoln and Carlisle; containing various Notices of County and State History, not before published.* By LEMUEL SHATTUCK, Member of the Massachusetts Historical Society. Boston. Russell, Odiorne & Co. 1835. 8vo. pp. 400.
2. *An Historical Discourse, delivered before the Citizens of Concord,* 12*th September,* 1835, *on the Anniversary of the Incorporation of the Town.* By RALPH WALDO EMERSON. Published by request. Concord. 1835. 8vo. pp. 52.

THE author of this long-expected History has done well, in the outset, to commend his work to the respect of the public, by proving, in his Preface, that he appreciates the value of accurate annals of a town. The qualification may seem quite indispensable to one who undertakes to record them, whether for the benefit of the district described, in particular, or of the world at large. It may seem quite easy also of attainment; so much so as to make the lack of it considerably more remarkable than the possession. Yet, how rarely do we meet with it. How few are the works of this class which may be depended on even for their accuracy; and we are speaking now of their value in that regard alone. We say nothing of the virtue of completeness in detail, or of comprehensiveness in design. We pass over the matter of judgment and tact in

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the plan of arranging, and the matter of taste and energy in the style of expressing, and enforcing, what is to be told. All these may be of great consideration in local histories, as they must be in every composition. Accuracy, however, is the *sine-qua-non*. A history, not accurate, is, in other words, no history. The portions of it which are correct, are correct only by accident. It will not be used, therefore, as all local chronicles are mostly designed to be used, for the elements of history at large. These do not deserve to be classed with histories, which are good so far as they go; the praise sometimes bestowed upon crude medleys of this sort. If believed, they deceive. If distrusted, they will still, almost always, stand in the way of their betters. Few town histories will ever be written a second time. The pains are too great, and the praise is too little. A bad book of this description, or a poor one, lodges, like a stumbling-block in the path of coming generations.

Such works, we remarked, cannot be made use of as the elements of history at large. On the other hand, it is a rare recommendation of one, like this before us, that it may be so used. The author appreciated the importance of his labor in this respect. He knew, with the laborious George Dyer, that to *his* toil and perseverance, the chronologist, the biographer, the poet even, as well as the general historian, may stand eminently indebted; and that "works the most splendid in form, and which are constructed for the admiration of posterity," may rise out of documents and researches, apparently the most repulsive or trifling. "Who can calculate," asks honest George, "on the consequence of *a single date*, sometimes to an individual, sometimes to a family, and sometimes even to the public." This is enthusiasm, but it is the enthusiasm of common sense. We want such a spirit in our town histories. We must have such men to write them. We must have men that are capable, in the first place, of discerning between truth and falsehood, probability and improbability, matters of more or less interest, and matters of no interest at all; and who, in the second place, knowing what is desirable, and seeing what is necessary to accomplish it, are never to be dismayed by a dull prospect, or discouraged by a failure, or disappointed by a small return. There is, and should be, no such thing as a dull prospect, or a failure, or a small return, to such men. There is no such thing as dismay

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or disappointment. Half a page of some old illegible and unintelligible manuscript, wherein the moths have had their will undisturbed perhaps for a century, found in the attic or the cellar, may reward him generously for months of plodding toil and aching eyes. It supplies him, perchance, with a christian name, the surname appertaining to which, was no better to him before, than Franklin's half of a pair of shears; or, with "a single date," which completes some nice little congeries of genealogy, wrought out of the rubbish of buried records, like a statue restored from the ruins of Pompeii. It is a discovery to him. He smiles at the sight, and rushes from his dusty laboratory into the open air of the wide world, and cries out "*eureka.*" And so, point by point, he brings out his "minute facts," as Mr. Shattuck calls them. Some may be missing; or may amount, even in his own estimation, to little or nothing; but others, enough to counter-balance these short-comings, reveal themselves before him by surprise. As he gropes after one thing, he stumbles upon another. Where but a single precious particle of golden truth or glittering tradition was looked for, he finds clusters of gems. He climbs the steep precipice of the mountain wall, like the Indian of Potosi, and under the roots of the dryest shrub to which he clings, he may find such treasures as only a conscientious, indefatigable, enthusiastic spirit, can appreciate with a genuine relish. Such things, he knows, have been, and may be again. He walks over rich ground. He digs in a dust, which is dearer than "all the ore of rich Peru." As an elegant writer has expressed it,—himself no ordinary specimen of the character he describes,—"the enchanted delver sighs and strikes on, in the glimmering mine of hope."

We will not undertake to say, that there are no inaccuracies in the ample and elaborate volume of Mr. Shattuck, the perusal of which has suggested these remarks. It would be no very difficult thing, on the contrary, to point out a few statements of considerable general interest, evidently understood by the writer, and meant to be received by his readers, for representations of established facts, which can be pretty plausibly shewn to be either incorrect, or doubtful. Some of these cases we may have occasion to indicate.* Most, if not all of them, have

* But, lest we should not, we may as well say here, that we refer chiefly to the chapter on the *Battle of Concord.* The author has looked up an amazing amount of interesting matter upon this subject, and the statements are

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probably been noticed by the author himself, with others, perhaps, which are likely to escape any revision less diligent and anxious than his own. We allude to these the more freely, inasmuch as there can be no more doubt of his having the opportunity, than of his having the inclination, hereafter, of making good some little deficiencies in evidence or in explanation, and of abating or qualifying a few hasty assertions, which he has allowed himself to make in his eager pursuit of the subject.

But let us do the author justice. Nothing but inveterate industry and unshrinking perseverance, nothing but the professional enthusiasm by which they are sustained, could have enabled our annalist to undertake, or to undergo, the years and years of dismal drudgery of which his book bears evidence upon every page. No other literary labor, we apprehend, can convey so vivid a notion of a "Slough of Despond."

The laborious and faithful local historian, rarely has justice done him. The result of his researches may or may not be applauded, and admired. He may build himself, as the reviewer of Surtee's Durham History rightly expresses it, "a more durable monument in perishable paper than could be constructed of marble or brass."* This may be a monument known and seen only by the coming generations of dwellers on the narrow soil of the subject described; or, he may gain himself a reputation as wide even as the borders of his native land, and as lasting as its language. And yet, justice will not be done him. The result only will be known, or cared for; and perhaps not a tithe of that. Little allowance is made for the various degrees of difficulty with which the several results in literature are produced, and little discrimination shown in the allotment of the various degrees and kinds of honor, which are due to the toil and skill of those who produce them. A good local history is more or less popular very much as is a judicious arithmetic, or an elegant oration. No matter where

generally made with great caution. We should like, however, to have qualified several of them. For example, on page 112, he says "*three* British soldiers were killed" in the skirmish at the bridge. Dr. Ripley states, in his "History of the Fight," that there were *two* killed. He states also that the Rev. Mr. Emerson witnessed the whole affair from his window, and now, Mr. Emerson's account of it is published in the Appendix to the Oration, and that also says *two*. We hope for another opportunity of resuming the subject of the "*Battle*" by itself.

* Quarterly Review of 1829.

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the materials came from, or what they cost. No matter whether the work was necessarily, the tedious, loney, laborious, exhausting and aching labor of a life-time; or whether it was the adroit appropriation of such labor of other men, stealthily varnished over, and seasonably brought to the public notice by surprise; or, even a few pages of sensible declamation, thrown out, under the spur of some occasional engagement. It is all the same, substantially, with the reputation. It can not be expected to be otherwise. The pains-takers,—the undertakers of tasks, that, although indispensable to be done by somebody, yet nobody but themselves would ever undertake or could accomplish if they would—these are the very men who best understand, and are the least disposed to complain of the limited character of the applause or admiration which they meet with. This very want of the stimulus of immediate and considerable approbation, which the frothiest speech at a noisy caucus shall secure; the dusty drudgery encountered, the health wasted, the delights of society given up, with the consciousness that the sacrifice is all for the benefit of the reputation of other men; these things entitle them to the admiration of their country and their race. We do not now refer to the worthless, and perhaps worse than worthless, prodigies of senseless labor, which some men live and die to produce. We refer to the practical workmen, the collectors of the raw materials out of which all history is made; the pioneers in the wilderness of details and reports; the levellers of the land, and the diggers of the ditches, for the canals and the railroads, of which other men and after generations enjoy the benefit. It matters but little, at all events, so that the work be done. It is fortunate for the world that they are willing to do it. They may complain, and may have reason to do so. They may cry out "piteously," now and then, as D'Israeli says of some of the poorer poets in their obscurity, making themselves known only by their noise. They may avail themselves of a breathing moment, to rail at the world, or the compilers. They may even consider those worthy people, the booksellers, as poor old Drayton hesitates not to call them in most intelligible terms, "a company of base knaves, whom I scorn and kick at."* Still, however, it matters not much, so they will work on; and that is just what they always do,—they work on.

* Speaking of his *Polyolbion.*

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Perhaps this may be considered something of a digression. It intimates, rather, an application of our remarks to the case before us, which, on reflection, cannot be sustained. The History of Concord is the fruit of laborious research; the most so, in its class, which American literature has produced. It has cost a vast deal of the kind of drudgery we have been speaking of, and it will be found hereafter infinitely serviceable to works of a lighter character, and of more general circulation. But here the analogy ceases. A history of the town of Concord, were it tolerably, nay, badly executed, could not well be an *obscure* one. It must be either famous or infamous. The writer of a bad history of this town would be, especially if it were the first and only one, a malefactor of no mean distinction. A great part of the revolutionary reputation of his ancestors, and of his countrymen, would have been in his power, and that reputation he would have tarnished. The annals of all our ancient towns and cities are of inestimable value, and will be faithfully preserved; but those of Concord, — old Concord, in connexion with very few others, are the pound of flesh nearest the heart of the Republic. He that should do justice to them, had reason to expect, and he had a right, as a man deserving well of his country, to enjoy, the gratitude of those he should serve. Not, indeed, for the course of "a thousand years," like Father Leland, but for centuries, he was "so to open the window that the light should be seen so long stopped up, and the old glory of your *Britain* to reflourish throughout the world."

The history of Concord has been, with the exception of a few years, the history of the country at large. It comprises the period of our colonial, provincial, revolutionary and national existence. If shorter than that of its seniors in the old world, it is invested with a fresher interest, and has the advantage of being exclusively modern. We have lived in the last centuries and the best. There is no fable in our annals; they comprise no middle ages, no generations of boors. Our existence began in a period comparatively enlightened We rose betimes, and not before, and our work has been done in the open air and the broad day-light. All civilized nations have seen and known us. Our history has been connected with theirs, and the history of Christendom, during the period of that connexion, has been the most eventful, the most revolutionary, the most extraordinary in almost every particular, which the

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world has experienced. If there is no fable, in our annals, they are full enough of *fact*. In all this fact, not every one indeed of our sectional subdivisions, or municipal corporations, could have a share in the same sense with the whole country. Very few could have a share of much importance. Concord, however, like Plymouth and like Boston, *had* such a share; a fact which we shall take it for granted is generally too well known to our readers to require a recapitulation on our part, of the details which go to establish it. Concord has been not only a *town*, an American, New-England, Massachusetts town; a specimen of a class of large, closely-connected, and most powerfully-operative communities, but the first of all the inland class, as we have mentioned, and but five years subsequent to Boston, and fifteen to Plymouth. It had moreover the fortune to become early, and to continue to the last, national and central ground; memorable now, and classical in all future time. Old Concord, stands in the foremost rank of historical subjects. Its locality, the character of its first population, and various accidental circumstances have all conspired to make it so. "Fortunate and favored it has been," Mr. Emerson well remarks, "in having received" and in having disseminated, he might have added, "so large an infusion of the spirit of both those periods," the Planting and the Revolutionary; and of every other remarkable period, also, in the whole eventful course of its existence. In the stages of this history will be found, as we explore it, characteristic indications of them all. This is the work Mr. Shattuck has accomplished. He has given us a whole cabinet of the almost-speaking remains of all the ages, which constitute the town's and the country's life-time. Scarcely a specimen in the series, scarcely a limb of the system, is wanting. The entire skeleton of American character, from first to last, and from greatest to least, may be set up, for the illustration of every past and for the instruction of every future generation.

We have said there is no fable in American annals. This is, or should be, one of our great literary advantages over other nations, which have a history reaching back so far into the distance or the darkness of the past, that their beginning cannot be seen. Such is the case with most nations of the civilized world, of ancient or *modern* times; and perhaps with the most considerable and important, it is most so. The history of such nations, in fact, cannot be, and never has been written. The

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farther we go back for it with any degree of success, the more and more meagre it becomes; the more that truthfulness, which is the essence of the interest of history, and the whole of its value, diminishes until it disappears. The rest is all a bog, a land of "gorgons and chimeras dire," tradition possibly, probably conjecture, but not history. One man may be more ingenious than another in concealing his want of any ground to stand upon; or he may calculate better than another what must have been the beginning, and the progress, from what is known to have been the "*Decline* and *Fall;*" still, it is only calculation; and calculation and observation, like history and a story, are quite different affairs.

The history of our country, however, may be written. There is no reason why it should not be, and there is every reason why it should. It is not only true that we are young, and have lived in modern times,—in the period of truth, as distinguished from the period of tradition; true, that most of that period has been comparatively enlightened, at large; true, that we have been almost from the first an active, stirring, inquisitive, communicative people, connecting ourselves constantly with, and forcing ourselves on the acquaintance and attention of all cotemporaneous nations. It is no new nor vain thing, it is nothing which at this day requires proof at every repetition, to add, that we have been an intelligent as well as an energetic people. Education, systematic universal education, as well as ancestry, and necessity, have made us so. We have been, and are, a reading and writing people. As Mr. Emerson says of Concord, alluding to its ministers and its schools, "if the community, or any part of it, stints its expense in small matters, *it spends freely on great duties;*" and it has counted the promotion of education, — that same "*learning*", which the General Court of 1647 feared would be "buried in the graves of our *forefathers*," — it has counted promotion of this education, in its truly liberal and practical sense, as among the very foremost of those great duties. It was natural that among the minor consequences of this system, should be an appreciation of the worth of all those facts of which history is, or should be made, and of the necessity and duty of their ample and accurate preservation. And such has been the case. Our peculiar political as well as ecclesiastical organization, has most essentially facilitated the labor, and increased the value, the harmony, the order, and the amount. Almost every locality of any official organized existence, as well as the towns

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and churches, has had its history or the materials of it preserved. The whole soil might be covered with a patchwork of the several histories of these subdivisions. Our general history, if there were no general materials, could be very tolerably made, by the putting together of its local minutiæ, like the putting together of the pieces of a child's wooden map. But, fortunately, we are not left to such a necessity. The same education, the same intelligence, the same writing, reading, talking, thinking, and persevering habits, which have induced the towns, especially of the north, almost uniformly, to keep up a tolerable standing account of themselves, in the shape of records,—the same character, and the same circumstances have induced the people as such, to do the same in reference to the country at large, they have done in regard to the churches, the cities, or the towns. We have general materials on the same principle that we have local. To a certain extent, therefore, we are independent of the localities, as to the materiel of national or sectional annals. To a far greater extent, however, and particularly so far as the philosophy of history is concerned, we are dependent upon them in the most vital sense. But this consideration, too obvious to be enlarged on, brings us to our old train of comment once more. It reminds us again of the value of town histories and especially of the value of accuracy in them. It justifies us, we hope, for having said so much on that subject and for reverting to it here. This were less allowable, perhaps, if the great body of our town history did not yet remain to be wrought over and written out, as Mr. Shattuck has done *this*. It is among the chief of his merits that he has not only done a good thing, but that he has set a good example, and given almost a model.

Neither the abundance of our means of history, nor the clearness of its origin, has ever been illustrated more to our satisfaction than by the volume and the discourse before us. This is the more remarkable, and the more creditable to the authors, from the unfortunate loss of a volume of town records of Concord, containing its proceedings for about sixty years after the settlement, and also of all the records of the church, prior to 1738, which was more than a century after its organization; misfortunes of which no very satisfactory account appears to be in the power of the historian to furnish. The success, however, of his efforts to supply the deficiency as well as might be, under circumstances disheartening, in

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the outset is a new encouragement, for all baffled antiquarians. It is a strong corroboration also of the correctness of our remarks on the vast advantages this country has in its wealth of historical materials. There is, says Mr. Shattuck, to begin with, "in the clerk's office, an old volume, containing an imperfect record of several grants of land, and a few unconnected proceedings of the town; with an incomplete list of marriages, births, and deaths, prior to 1636." For a spirit like his this was a good deal. It was not exactly the game itself he was pursuing, but it put him on the right trail; and an Indian is not keener on a hunt, than an antiquarian in his researches. His unwearied perseverance deserves reward; and it rarely fails to secure it. "This renders the early history," adds our author in his Preface, "less perfect than it would have been, &c. *though from other sources much information has been obtained.*" Here it is:

"The early records and documents in the offices of the secretaries of the commonwealth, and of the county, and *the private papers of individuals, and various other scattered fragments of traditionary, manuscript and printed history,* have with great labor been consulted." &c.

This, we say, is pursuing history to some purpose. There was no escape for it; if a fact was wanting in one place it was sure to be found in another.

For example; the list of the first settlers is lost, but Winthrop says "the grant was made to Mr. Buckley, and ——— merchant, and about twelve other families, to begin a town." It is remarkable how this hint has been followed up. Mr. Shattuck has furnished not only a minute account of this excellent man himself, his character, and condition even to the precise amount of the fortune which he brought with him from the old country to the new; but he has picked out, from the rubbish of ancient ages, all his lineal ancestors, for *ten generations*, back to Robert Buckley, Esq. one of the English barons, who, in King John's reign, as he says, was lord manor of Buckley in the County Palatine of Chester. This information, like a good deal more in the book, of like kind, is from English sources. Then we have the "merchant," above alluded to, looked up; and subsequent circumstances show him to have been none other than the famous Major Samuel Willard, of martial memory, and commander of

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the forces in Ninigret's and Philip's war; one of the most distinguished of the early settlers of New England, and progenitor, it would seem, of all the numerous families of his name, including some individuals of a good deal of reputation, which the country has since produced. The names of the other "twelve" are in the same manner "inferred" from circumstances which leave little room for mistake. So are those of their successors, generally, through the medium of various petitions to the colonial authorities, and other official documents, independent of the records of the town. Twelve of their names appear in 1645, on an application for the reduction of their rates, owing to the migration of a considerable part of their population to a new settlement (since Fairfield,) in Connecticut, under the guidance of the Rev. Mr. *John Jones*.

This was another of the worthies, whose memory is a part of the early fame of Concord. He was a preacher of reputation in England, and came out in 1635, with the Rev. Messrs. Shepherd and Wilson, afterwards of Cambridge and Boston. He, too, was the ancestor of a great family, including, among six sons, one (Eliphalet) who became ultimately the first minister of Huntington, L. I., where he died about one hundred years old.

One of the twelve petitioners referred to last is *William Wood*. This person, who came to Concord in 1638, appears to have been the celebrated author of "New England's Prospect," the first who mentions the original name of Concord, *Musketaquid*. Mr. Wood is believed to have visited the ground as early as 1633, and to have been active, on his retnrn home, in promoting the settlement, which took place two years after, and was chiefly supplied with families directly from England.

With Wood came his nephew, *Hon. Thomas Flint*, who brought with him, according to a genealogy, property of four thousand pounds sterling, afterwards married a daughter of President Oakes of Harvard University, and was father, as Mr. Shattuck supposes, of the three Flints of Salem. He is the same "hardy" personage whom wonder-working Johnson refers to by name, when he pays him, in his "short metre," the compliment of having left, at Christ's command, his "lands, and native habitation,"

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"His folke to aid, in desert straid, for gospel's exaltation."

He was probably something of a soldier, for the poet adds,

"Flint, hardy thou, will not allow the undermining fox,
With subtill skill, Christ's vines to spoil; *Thy sword shall give them knocks.*"

Among the first settlers also were three *Adamses*, sons of Henry, of Quincy, who came from Devonshire; *Barrett*, an Englishman, ancestor of multitudes of the same name, including the Colonel James who superintended the important Concord stores at the time of the "Fight;" *Buttrick*, who came out in 1635, considered the ancestor of all of the name in New England, if not in America, the gallant Major killed on the 19th of April, among the rest; *Dolor*, one of the chief progenitors of the numerous family of *Davis;* a *Dudley*, who deserves nearly equal praise, having had, among other children, a son, Samuel, who had twenty children of his own, and lived to the age of one hundred and nine; *John Hoar*, brother of one President of Harvard, of that name, and *Oakes*, the father of another; the worthy Mr. *Whiting*, easily traced back to John, the mayor of Boston, in England; that, "excelling grammarian," *Minot*, as his tomb-stone still bears witness, — being also a captain, physician, justice of the peace, and representative, not to mention his preaching in Stow, for twelve shillings and six pence a day, one half cash, and one half Indian corn,"* one of the most useful men of his time, and the father of the Hon. James, a leading character of the next generation; also Freeman *Farwell*, and Quarter-master *Hartwell*, each considered the progenitor of all among us of the same name; *Judson*, to whom the same distinction is ascribed; and finally the *Wheelers*, probably from Wales, as many as six of whom were here as early as 1637, and several with families.† This name still continues to be borne by more persons in the town than any other. The births of six, called John, appear on the clerk's record between 1650 and 1670. One of the first comers was *George*, and it appears that children of the eighth generation are now living on the spot which he settled. Mr. Shattuck has filled a page or two of his Appendix with their genealogy.

We have referred to these details for various reasons, but

* See Appendix to the History, p. 379. † Appendix.

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particularly with the view, of illustrating a previous remark on the wonderful extent to which matters of this description, and all the materiel of local and general histories, may be sought out, and set forth, by persons of the competent qualifications. There is no end to the "single dates" here. They would do George Dyer's heart good.

The circumstances of the first settlement, generally, have been in like manner restored; and especially those of the remarkable march of the earliest band into the wilderness, in search of their destination. That was a "toyle" of "*some dayes;*" and Johnson has preserved a most affecting and graphic sketch of it, which is too well known to be quoted here. Suffice it that thus "this poore people," as he says, "populate this howling desert, marching manfully on, the Lord assisting, through the greatest difficulties, and greater labors, than ever any with such weak means have done;"—hard work for "many an honest gentleman," among the number, Buckley and Willard included. This was a march of *twenty miles.*

We cannot forbear introducing here the beautiful picture Mr. Emerson draws of their situation during the first winter. It places us at once in the very midst of his company: —

"They proceeded to build under the shelter of the hill that extends for a mile along the north side of the Boston road, their first dwellings. The labors of a new plantation were paid by its excitements. I seem to see them, with their pious pastor, addressing themselves to the work of clearing the land. Natives of another hemisphere, they beheld, with curiosity, all the pleasing features of the American forest. The landscape before them was fair, if it was strange and rude. The little flower which at this season stars our woods and road sides with its profuse blooms, might attract even eyes as stern as theirs with its humble beauty. The useful pine lifted its cones into the frosty air. The maple which is already making the forest gay with its orange hues, reddened over those houseless men. The majestic summits of Wachusett and Monadnoc towering in the horizon, invited the steps of adventure westward.

"As the season grew later, they felt its inconveniences. 'Many were forced to go barefoot and bareleg, and some in time of frost and snow, yet were they more healthy than now they are.'* The land was low but healthy; and if, in common with all the settlements, they found the air of America very cold, they

*Johnson.

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might say with Higginson, after his description of the other elements, that, "New England may boast of the element of fire, more than all the rest; for all Europe is not able to afford to make so great fires as New England. A poor servant, that is to possess but fifty acres, may afford to give more wood for fire as good as the world yields, than many noblemen in England."* Many were their wants, but more their privileges. The light struggled in through windows of oiled paper,† but they read the word of God by it. They were fain to make use of their knees for a table, but their limbs were their own. Hard labor and spare diet they had, and off wooden trenchers, but they had peace and freedom, and the wailing of the tempest in the woods sounded kindlier in their ear, than the smooth voice of the prelates, at home, in England. 'There is no people,' said their pastor to his little flock of exiles, 'but will strive to excel in something. What can we excel in, if not in holiness?'" — pp. 9 — 11.

These passages and facts are perhaps sufficient to indicate the hardy and substantial, and still more the moral and religious character of the early inhabitants of Concord. They were indeed among the very best of the population of the old country; and few things suggested by the perusal of this history and discourse can be more interesting or more gratifying than to watch, in the progress of affairs, and in the gradual development of the character of the town, under critical circumstances, the surviving influence of those original elements of its composition. The character of Concord as a town, from first to last, is by no means the least of its distinctions; though many individuals, its ministers, especially, have been among its blessings. What a leader was the noble Buckley for such an enterprise as the settling of Musketequid! not to mention Mr. Jones, who was eight years his colleague. His successor, at his death in 1659, was his son Edward, whose ministry continued over fifty years, most of it at Concord; a man whose reputation for piety was such as to have given rise to the tradition, that, in Philip's war, when it is rather remarkable that Concord nearly escaped the ravages of the enemy, a consultation occurred among some of their chiefs on the neighboring highlands in Stow, on the question whether the precedence should be given to Sudbury or Concord, as the object of attack, and is said to have been decided for

* New England's Plantation. † E. W's Letter in Mourt, 1621.

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the former by the argument, that the Great Spirit loved the Concord people, and would defend them on account of Mr. Buckley, residing there ; — he was a "*great pray.*"

His colleague and successor was Mr. Estabrook, for over forty-four years ; a man so noted for his holiness, dignity and learning, as to have acquired, in the latter part of his life, the name of the *apostle*. The News Letter is full of his praises, on the occasion of his death ; and the opinion was expressed at one time, that he "ought to come to *Boston*, where he could do more good." Mr. Whiting, who was next pastor for twenty-six years, is called by our historian a man of wealth, learning, influence and talent. The term of Mr. Bliss, who followed him, was the same. He also was among the distinguished clergy of his time. His last sermon was preached at the special request of the famous Whitfield, on his second visit to Concord, and made such an impression upon him as to cause the remark, that "if he had studied his whole life, he could not have produced such a sermon." His reputation, evidently, as even his epitaph still shows, was very high :

> "His soul was of ye angelic frame,
> The same ingredients, and ye mould ye same,
> Whom the Creator makes a minister of Fame."

The Rev. William Emerson followed, and though he lived but eleven years after, part of the time in the army of the Revolution, on his return from which to his people he died, there is abundant evidence of the great influence he acquired, and of the regret felt at his loss. Only nine years since a monument was erected to his memory. He was a descendant of Mr. Buckley. His successor was the present venerable incumbent, Mr. Ripley, still active in the exercise of his duties in the *fifty-seventh* year, we believe, of his ministry, and at the advanced age of eighty-five. Such has been the ministry of the first church in Concord, the *thirteenth* established in the colony, which has now attained the age of two centuries, wanting but three months. For forty years of Mr. Ripley's term, it is worthy of notice, that no individual has paid a ministerial tax to any other society than his. In 1825, a second church was formed in the town, previous to which, with the exception of a few years of Mr. Bliss's term, *the whole town was united in one for the space of one hundred*

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and ninety years. This fact alone is sufficiently indicative of the influence of its ministers. We cannot here go into the history of the Concord Indians, interesting as it is, but it is proper to remark, in the present connexion, that Concord was on their account, honored in due time with the presence of John Elliot, "that apostle, not a whit behind the chiefest apostles."

The influence of such individuals as these, must have been very considerable. It does not detract at all, however, from the credit due to the community at large. Just the reverse. It is one of the surest indications of both the good sense and the staunch principle of that community, that it selected such leaders, and that it suffered them to remain so long, and to move so efficiently. The same inference in its favor could be easily made from its attention to education, including a generous subscription, of several years' continuance, for the benefit of Harvard College. During a portion of the years 1775 and 1776, when the buildings at Cambridge were occupied as barracks by the army, Concord was selected as the seat of that Institution, and the accommodation which it there received seems to have corresponded with the most sanguine hopes of President Langdon and his learned Professors. The recitations during that period, were at the court-house and the meeting-house.

The proceedings of Concord, during the Indian troubles, in Philip's war, in the French war, but most of all in the Revolution, confirm, in the most satisfactory manner, the preceding remarks on its character. Mr. Shattuck quotes on his title-page the just eulogy of one of our most distinguished citizens, that "nobler records exist nowhere; — nowhere can there be found higher proofs of a spirit that was ready to hazard all, to pledge all, to sacrifice all, in the cause of their country, than in the *New England towns;*" and we do no injustice to other places when we say of *this*, that the records of its patriotism, in the times that truly "tried men's souls," — in *all* those times, — will bear comparison with those of any community, be it large or be it small, which can be found, on the face of the earth. Were there no other reason for it, the history of such a place should be spared, with all the long roll of its services, and of its sacrifices, as a monument to every coming age, of the power of disinterested devotedness to principle, and of unwavering fidelity to men; of collectedness and self-control; of all the elements, in a word, of the

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power of self-government which either stir or sleep in the character of every community, and in the bosom of every man born *free*, and fully determined to remain so. That history is worth writing, and worth reading.

We have no space left for the valuable estimate which we find here furnished, of the number of men supplied by Concord, for actual service in the war. Some notion may be formed of it, when we say, that it raised one hundred minute-men, and seventy-four soldiers, to serve at Cambridge, in the first year; that the next season, it raised one hundred and forty-five, to serve at Dorchester heights, in March; that in June, when the Assembly, in the same spirit, resolved to raise five thousand militia for six months, for the continental service, it furnished sixty-seven more, and paid them besides, at an expense of over six hundred pounds; and that it went on in this way to the end of the war. It was continually supplying these men also with shoes, stockings, shirts, coats, blankets, and beef.* From October, 1780, to the following July, for example, it provided 42,779 pounds of beef for the army.† It supplied moreover, at sundry periods, the families at home of those engaged in the service abroad. The taxes, of course, were enormous. Mr. Shattuck gives a table of those of the years 1780, and 1781, which we regard as one of the chief curiosities of American history. The assessments in the former year were, in silver, no less than eleven thousand, one hundred and four dollars, and sixty cents; and in the latter, ten thousand two hundred and ninety-five dollars, and thirty-nine cents. Let us recollect that the population of the town was but about thirteen hundred during all this period; that these annual expenses, stood in relation to those of the two last years of the history of Concord (1834 and 1835), as we infer from an allusion of Mr. Emerson's,‡ about as ten and eleven to four and five, the population being, in 1830, a little over two thousand; that this town, in common with the rest of the country, was of course feeling most sensibly all the economical effects of the war, and especially in its effects upon business, and the general means of earning the money they lavished so freely; that, in addition to taxes, large sums were raised in "*classes*," to hire soldiers, as well as by *individuals*, who were drafted into actual service, to procure substitutes.§ Let

* Discourse, p. 38. † History, p. 126. ‡ P. 40. § History, p. 127.

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us bear all this in mind, and we can do justice, in some small degree, to the spirit which induced them still to maintain their charge of the institutions of education and of religion, and of all the permanent interests of the town, as an independent community, amid the alarms of war. We can do justice also to the punctuality, the alacrity, the eagerness with which these sacrifices were made; and the manner is not less admirable than the amount. It never once hesitated or debated when called upon. It spent, as Mr. Emerson finely expresses it, — it spent "*affectionately*" in the public service. "Since," the records read in one place, "General Washington, at Cambridge, is not able to give but two dollars and forty-eight cents the cord, for wood, for the army, *it is voted that this town encourage the inhabitants to supply the army, by paying two dollars per cord, over and above the General's price, to such as shall carry wood thither.*" They carried two hundred and ten cords. — The same course was taken in regard to hay. And to crown all, Concord contributed to the relief of the besieged poor of Boston, in money, seventy pounds, besides two hundred and twenty-five bushels of grain, and a quantity of both meat and wood; and when these same sufferers were quartered by the Provincial Congress on the neighboring country, the town received no less than eighty-two of the number to its own firesides! What more can we add to all this for the glory of Concord? Was it necessary that the Buckleys, and the Willards, the Woods, the Elliotts, the Whitfields, the Emersons, the Langdons, should have honored its soil with their footsteps? That Winthrop and Dudley should have trod the old common where the meeting-house of 1712 still stands? Or that convention after convention, and congress after congress, should have selected it for the place of their Councils of Liberty, when Hancock and all his brave companions were added to its "jewels?" Or that here, in fine, without entering into controversy upon minutiæ, was partially, as President Dwight describes it, the scene of the *first military action of the Revolution*? Concord, as every body admits, was the object of the British expedition of 1775. We think it proved, while we perceive slight inaccuracies in Mr. Shattuck's chapter on this subject, that here was the first regular resistance to British troops by Americans. Here also, as far as can be now learned, the first British life was taken in that memorable defence. A head-stone and a footstone, on the green banks of the "grassy

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river" still mark the place. The town, we believe, is about erecting a monument on the spot, a debt long due, alike to the character of the living, and to the memory of the dead.

So much for the fame of Concord. Much more might be added, had we time to follow its annals down, especially to the period of the formation and adoption of the state and national constitutions, and of the insurrection of Shays, and other troubles of that time. After all, we have left what may be called the *private* character, of the place, mostly undisturbed. It would be of the highest interest to trace its history, and the history of its connexion with the *public*, — which we have barely alluded to. It would shew, as Mr. Emerson reminds us, that even "more sacred influences have mingled here with the stream of human life;" that the merit even of those who fill a space in the world's history, of which Concord has seen its share, "sheds a perfume less sweet than do the sacrifices of private virtue." It would exhibit a community "almost exclusively agricultural," — distinguished always by simplicity, love of justice and contentment, as well as by its harmony, sound sense and religious character.

"Here are no ridiculous laws, no eves-dropping legislators, no hanging of witches, no ghosts, no whipping of quakers, no unnatural crimes. The tone of the records rises with the dignity of the event. These soiled and musty books are luminous and electric within. The old town clerks did not spell very correctly, but they contrive to make pretty intelligible the will of a free and just community. Frugal our fathers were, — very frugal, — though, for the most part, they deal generously by their minister, and provide well for the schools and the poor. If, at any time, in common with most of our towns, they have carried this economy to the verge of a vice, it is to be remembered that a town is, in many respects, a financial corporation. They economize, that they may sacrifice. They stint and higgle on the price of a pew, that they may send 200 soldiers to General Washington, to keep Great Britain at bay. For splendor, there must somewhere be rigid economy. That the head of the house may go brave, the members must be plainly clad, and the town must save that the State may spend." — pp. 41, 42.

This, after all, is the picture of Concord which most pleases us. Long may it continue to be as true as it is beautiful. The "poor farmers" who came up *that day* to defend their native soil, ignorant (says the orator) it was a deed of fame they

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were doing, — never dreaming their children would contend who had done the most, — long may their "simplest instincts" descend to their posterity, with their soil, and with their fame! "The little society of men who now, for a few years, fish in this river, plough the fields it washes, mow the grass, and reap the corn," — these, when shortly they shall hurry from its banks, as did their forefathers, — long may they leave behind them a race emulating the glory of those who have gone before, and worthy of the gratitude of those who shall succeed them! Her sons, — they who have "settled the region around us, and far from us," — whose wagons rattle down (as he says again) the remote western hills, — who plough the earth, and traverse the sea, and engage in trade and all the professions in every part of this country, and in many foreign parts, — long may they look back to her sacred plains with reverence, and cherish in their breasts the disposition to imitate the example of the past!

ART. VII. — *A Discourse on Natural Theology.*

1. *A Discourse on Natural Theology, showing the Nature of the Evidence and the Advantages of the Study.* By LORD BROUGHAM, F.R.S. Philadelphia. Carey Lea & Blanchard. 1835. 12mo. pp. 190.
2. *Lectures on the Atheistical Controversy; delivered in the Months of February and March, at Sion Chapel, Bradford, Yorkshire. Forming a First Part of a Course of Lectures on Infidelity.* By the REV. J. GODWIN; with additions by W. S. ANDREWS. Boston. Hilliard, Gray & Co. 1835. 12mo. pp. 350.

THE moral constitution of the universe presents a problem that has perplexed the philosophers of all ages. When the mind of any one at all disposed to reflection, begins to expand itself and rise above merely physical and sensible things, it looks out from its new elevation with an anxious curiosity for the relations and prospects of existence. Though the child has been taught the existence of God, and the youth has felt the force of moral relations with the promptness of instinct, yet the man would fain contemplate the same subjects from a new point of

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view, and teach himself the great truths he had been taught by others, or which had spontaneously sprung up in his mind as essential to his being. He examines the grounds of his belief, not merely as matter of curious speculation, but as the basis of his strongest hopes and fears. He ventures to ask himself if this is an orphan universe, and whether, when the body is struck by time, the mind is exhaled and dispersed like the odor of a flower that is crushed. The mere assumption of a doubt for the purpose of the inquiry, is painful to him, for it presents to his mind illimitable space, dark, desolate and blank; void of the benignity, the almightiness and the perfect intelligence of the Supreme, and his own existence as a transient flame, and his moral constitution and sense of obligation and duty merely as machinery vainly to regulate his actions to which there are to be no corresponding consequences. He must imagine his being as withered, its beauty departed, and the universe a vain spectacle shorn of its glory. The very dreariness of such a view frightens thousands at once from its contemplation, and is of itself a sufficient argument forever to establish their faith in a God, their own immortality, and a moral retribution; while others though not satisfied, are yet predisposed to believe. All men above the stupidity of the beasts, — excepting a few who studiously brutify their own minds, to the loss of the perception of all that is not physical and grossly material, out of a poor conceit of their own wisdom, — cling to their moral and immortal affinity to the Deity.

The teacher of Natural Theology then has, for the most part, a willing audience, desirous to give their assent to his doctrines; but his task is not therefore easy. The inquiry leads far away from experience and accustomed speculation into the regions of abstract conceptions and metaphysical subtilties, difficult to be seized by the understanding, and apt to elude the power of language.

Lord Brougham gives the following reasons for writing his treatise.

"The composition of this Discourse was undertaken in consequence of an observation which I had often made, that scientific men were apt to regard the study of Natural Religion as little connected with philosophical pursuits. Many of the persons to whom I allude, were men of religious habits of thinking; others were free from any disposition towards skepticism, rather because they had not much discussed the subject, than because they had

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formed fixed opinions upon it after inquiry. But the bulk of them relied little upon Natural Theology, which they seemed to regard as a speculation built rather on fancy than on argument; or, at any rate, as a kind of knowledge quite different from either physical or moral science. It therefore appeared to me desirable to define, more precisely than had yet been done, the place and the claims of Natural Theology among the various branches of human knowledge."—pp. 5, 6.

He accordingly undertakes to show that Natural Theology is a science resting on inductive reasoning, on which a number of other sciences and a greater part of what we call *knowledge* depends. The work, therefore, does not profess to be a mere exposition of the doctrines of Natural Theology, and the evidence by which they are established, but is, rather a learned commentary upon both, somewhat after the model of Sir James Mackintosh's "Progress of Ethical Science." It is a logical criticism; a species of philosophizing upon philosophy. It may rightly be called the metaphysics of Natural Theology. It is an arduous department of speculation, of precarious success; for although the sciences of logic and metaphysics are, when pursued in the usual method, highly interesting and instructive, a writer runs great hazard of being tedious, who undertakes to go through a series of connected arguments, classifying them, according to their species, and weighing and measuring their force. It requires great felicity of style, and address in the conduct of the inquiry, as well as great sagacity and learning, to secure and reward the reader's attention. It seems to be an unpromising task to instruct the reader how demonstrative or satisfactory a given course of reasoning may be, for he has already felt its full force, if he understands it; and if the argument is not intelligible to him or does not lead him to the intended conclusion, he will profit little by the information that this is inductive reasoning, this being precisely what his teacher has already told him at school. We do not mean to say that very elegant and pleasing essays of this kind, replete with instruction, may not be written, and a more opportune occasion could not be chosen in respect to Natural Theology, than just on the publication of the Bridgewater Treatises; we mean merely that, to be successful, such essays must be written with consummate skill, from abundant stores of learning, and must abound in striking reflections.

A review of such a speculative commentary is liable to be

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less interesting and less instructive than the commentary itself. To lighten the labor then of following Lord Brougham in his difficult attempt, and, with the hope of being more useful to general readers, we purpose to give, in connexion with our remarks upon his book, an outline of what we understand to be the main links of the argument for Natural Theology, which is the foundation of ethical science; and this involves moral obligation arising out of the constitution of man, his relation to the Creator, to men and to the system of things. This we are the more disposed to, since a speculative air has been given to this science by the very learned and curious inquiries which have been introduced into the discussion, since the publication of the work of Denham, in which, as Lord Brougham justly remarks, all Dr. Paley's grounds of argument are pre-occupied, so that the latter, without any expense of thinking, had only to put the materials, ready furnished to his hands, into a new form, or rather into a new and more popular style; for the form and plan of the works of both are substantially the same. A no less learned and scientific air has been given to these speculations in the Bridgewater Treatises, which are highly meritorious works, that may be read with great profit by every body, being full of instruction not only in Natural Theology but also in other sciences, from which illustrations of design in creation are particularly drawn. But still the general reader needs first to connect the leading steps in the reasoning, by having them brought near together, or else he may go through with the whole of these beautiful speculations and still doubt what is the precise force of the reasoning, and he may even be bewildered in the infinitude of the subject as thus treated, and think as Lord Brougham suggests, "that the whole argument is more fanciful than logical."

The first step in Natural Theology is to adopt a theory of the existence of the world. We have a choice of two different theories, 1. That matter is from eternity, and that all the species of animals and vegetables have been evolved from its essential properties, and have been coeval and eternal with it. 2. That matter itself, and all its forms, animal, vegetable, and mineral, have been created, that is, that there is a God.

We see, then, that whichever hypothesis is adopted, we must suppose something to have existed without a cause and without beginning. This is intelligible, the meaning is plain; but the proposition is an exception to all our other knowledge

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and belief. Though we cannot comprehend how it can be so, we are necessarily reduced to the admission. Neither the theist, the atheist, or, which is the same, the pantheist, undertakes to solve the enigma of the universe. Each must in the outset confess and believe in a mystery. He must admit something unfathomable and incomprehensible to the human mind; that is, the existence of some thing or some being without beginning. This is the common predicament of the professors of all systems of philosophy and religion, or irreligion. The proposition is common to them all, that the origin of things can be traced back only into the obscurity of a fathomless, incomprehensible past.

This familiar fundamental position in the theory of the origin of things renders reasonings and modes of expression, that are applicable on other subjects, totally inapplicable to this. We say, for instance, in all speculations, in regard to all other subjects whatsoever, that every thing that is, must have a cause; but in discussing the origin of things, we cannot say so, for whether we assume that matter was eternal, or that all living forms are only the present links in a chain that had no first links, or that all was formed by an intelligent cause without a beginning, that is by the omnipotent and eternal Deity, still we assume equally, in either case, either that matter was not caused, or the chain of beings was originally not caused, or that the Deity was not caused. If, therefore, in regard to this science, we use the common maxim, that whatever is, is determined to be what it is by a cause, we utter an inapplicable proposition.

We have not named among the hypotheses from which a choice may be made, that of the eternal existence of mere inorganic matter, or primordial atoms, because it explains nothing and accounts for nothing. A forming, creative power is still wanted to account for the origin of the species of animals and plants. It is true, the Epicureans and Stoics undertook from this postulate only of primordial atoms of various forms and properties, to explain the origin of the vegetable and animal species, and taught that the earth, before it had become sterile by age, and while it was yet in the genial period of its freshness and vigor, after the first specimens of the vegetable species had germinated from her fruitful bosom, became literally the mother of the animal races, giving birth to all sorts of forms, some perfect, others mixed and monstrous, the perfect only

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being capable of nourishment, and surviving to continue their respective races, through the series of their descendants, when their common parent, should lose her prolific powers by senility and decay. This is all sung in beautiful verse by Lucretius, and is indeed a fit subject for poetry only, for we have no knowledge or ground of conjecture that a new species can originate in the powers and properties of matter. Except for the purposes of poetry, the hypothesis of the eternity of mere matter is sterile and useless.

We are, accordingly, reduced to a choice of one of the two hypotheses already mentioned, namely, that the series of the present races of animals and vegetables had no beginning, or that there is a Creator; and these are we believe the only two hypotheses seriously proposed.

What then is there to recommend the theory of an eternal series of living things? Whether we choose this, or the theory of an intelligent Creator, we assent equally to what is mysterious and incomprehensible. The existence from eternity of an intelligent creative power is *in itself* as probable as, or no more improbable than, that of an infinite anterior series of any one species of animals. Suppose a species of insects to be the only known living things, we might as probably at least, suppose them to have been formed by an intelligent power at the beginning, as to suppose the series to have been without beginning. Why then should those who affect to be philosophers; rational, sceptical, and circumspect of belief, and fearful of being too credulous; choose the harder faith, and believe that not one merely, but myriads, of species, have existed without a beginning. Why should they choose to believe millions of times more than is necessary. These, of all men, can certainly have no right to reproach others with credulity. They gratuitously adopt into their creed millions of mysteries, instead of a single one, which they themselves cannot say is more objectionable *in itself* than any one of the millions, which they profess to believe in, — we say *in itself*, for if we look at the constitution of the world; and examine the structure of animals and plants, we shall find abundant positive evidence of an intelligent First Cause, as we shall soon notice. But, independently of that evidence, the hypothesis of such a cause, is, it seems to us, incomparably more philosophical.

A decisive objection to the arduous faith of the atheist, if made out, is to be met with as early as Lucretius, who asserted

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the recent origin of the human race, which he inferred from the rude state of the arts, and the short period embraced by historical memorials and traditions. We do not mention this theory in connexion with our present argument; but it is plain that if we can go beyond the origin of the human race, or any species of living or vegetating thing, the theory of the infinite anterior series falls to the ground. Now it is remarkable, as mentioned by Mr. Godwin, that the modern discoveries in geology seem to disclose a period when the earth was inhabited by other species of animals than at present. Though this should not be confirmed by subsequent discoveries, and though, on the contrary, traces of men and the present races of animals and plants should be discovered in all the anterior periods of which any memorials remain upon or beneath the surface of our globe, still it would afford not the slightest objection to the argument in favor of the existence of a God. But if, on the contrary, we can go back, by means of the memorials of the past state of the globe, to the period when either men, or any of the present races of living things, did not inhabit it, the admission of a creative power, becomes absolutely necessary. As far as geological discoveries have gone, they seem to carry us back to such a period.

But whatever may be the results of geological research, the faith of the theist is supported by another, and seemingly a conclusive argument; not a demonstration, but as strong an argument as can be given that is not such. We allude to the great and unanswerable argument drawn from the evidences of design in the constitution of the world and its inhabitants. It is an argument at least, as old as the poetry of David, who says the heavens show forth the glory of God. And Cicero De Natura Deorum, in a passage quoted by Lord Brougham, says, that "the stable and perpetual courses of the heavenly bodies, with their admirable and wonderful regularity, manifest in themselves a divine energy and intelligence, in so much that the man, who does not see in them the power of the Divinity, must be truly stupid and insensible." The mind of a man must have become warped into a strange obliquity and perversity little short of derangement, who can doubt that the feet were *intended* to walk with, the eye to see with, the ear to hear with, the wings of birds to fly with, the fins of fishes to swim with, and so on throughout the whole of the animal structure and economy; and if any one does not doubt this, he believes in the existence of an intelligent creative power

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This evidence is not drawn from the depths of science and addressed merely to the initiated, it is level to the common understanding; it is full, clear and palpable, and so striking, forcible and apparently conclusive, that it seems to be in vain to reason with a man who professes not to be satisfied with it. We conclude that his scepticism is either nothing more than affectation, or the effect of a perverted and disordered understanding; and in either case it is in vain to proceed further with him. And here the argument in favor of the first fundamental doctrine of Natural Theology might be dropped; we were almost ready to say that it is better that it should be, for the attempt to illustrate and fortify this unanswerable argument, very often weakens its force. The belief in a Creator is, as we have suggested, the simplest hypothesis which we can adopt; it is in itself less improbable than the only other one that can be offered with the slightest plausibility; it is confirmed by geological science thus far; and, finally, it is the only one which accounts satisfactorily for the phenomenon of the world; for any hypothesis which excludes design, or which does not include it, does not satisfy the mind; it does not answer the purpose for which any hypothesis is made in the case.

Such are the leading arguments on the first great doctrine of natural religion, namely, the existence of a Creator. The other branch of this science, namely, the attributes of the Deity, and moral obligation and retribution, we shall notice subsequently.

We are to bear in mind that Lord Brougham's plan does not lead him merely to state the argument drawn from the evidences of design, but to show to what species of reasoning it belongs, and to what weight it is entitled. He remarks that writers have confined themselves too much to instances drawn from physical phenomena, to the neglect of the intellectual. Dr. Chalmers, however, urges this latter argument very strenuously, though he considers it less satisfactory than that drawn from physiological phenomena. Lord Brougham takes up the argument from the intellectual phenomena, having premised that he considers mind to be distinct from and independent of matter. This is a higher species of speculation it is true, but we cannot but think that Dr. Chalmers is correct in considering this field of illustration less clear and satisfactory than that of sensible objects, since we must know the end proposed in order to appreciate the means.

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If, for example, it be granted that men are to be nourished by solid substances, we see very plainly the necessity, or at least, the convenience and adaptation of an apparatus for mastication. But when we come to the mind, the end that may be supposed to be had in view, in the constitution of man, is not so obvious. The subject is wrapped in more obscurity, and therefore the form of the instances drawn thence are less striking and convincing. But still, the mind of man, and the instincts of brutes, certainly afford a wide field for strengthening the evidence of design. This part of the investigation is better conducted by considering man as an inhabitant of this world merely, for the reason that we know the condition and relations of men here better than in a future existence, and can therefore, reason from them more clearly. Indeed, in the present stage of the argument, we cannot reason from a future existence, which is still to be proved. Denham very judiciously dwells much upon the instincts of brutes, the apparent design and various adaptation of which are easily intelligible and beautifully illustrative of the subject. We find, for instance, men, animals, and plants in particular positions and relations; if we then go into an examination of their faculties and instincts we shall be struck at every step with the admirable adaptation of each species to its modes of life. The whole science of natural history may be translated into that of Natural Theology by merely laying a greater stress upon the design or final cause at each step.

Lord Brougham attempts this mode of illustration by the moral and intellectual phenomena, instancing the reasoning faculty, curiosity, memory, habit, and its effects, and the affections; and remarks in a note that "not the least allusion is made, in Dr. Paley's work, to the argument here stated, although it is the foundation of the whole of Natural Theology. Not only does this author leave entirely untouched the argument *a priori*, as it is called, but also the inductive arguments derived from phenomena of mind, but he does not even advert to the argument upon which the inference of design must of necessity rest; that design which is the whole subject of his book. Nothing can more evince his distaste for, or incapacity for, metaphysical researches. He assumes the very question which alone sceptics dispute. In combating him they would assert that he begged the whole question, for certainly they do not deny, at least in modern times, the fact of *adaptation*."

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"Not the least allusion is made in Dr. Paley's work to the *argument* here stated," says Lord Brougham. His expression implies that the argument from this source is different; and so it is, if the peculiar essence or substance of the mind is the ground of deduction; but in respect to the evidence of design, the argument is the same whether mental or physical phenomena be referred to. Take the example of the patella or knee-pan given by the author, and that of memory, also given by him, each adduced to prove *plan, design, intention.* The argument is precisely the same in either case, and the existence of an intelligent creating cause is as distinctly proved by one instance as by the other; and the best is the one that is most plain and undeniable. If the object or use of a joint, or tendon, or muscle, or tooth, is more obvious, definite and unquestionable than that of the memory, the imagination, or reasoning faculty, then either of the former is the more appropriate and better instance. We do not intend, however, by any means, to say that these illustrations should be neglected. The reasons for drawing illustrations from the instincts of animals, and the moral and intellectual faculties of man, as well as from the mechanical structure of animals, and mere physical phenomena, are not that they are more convincing, but that they may be more interesting, and that they belong to a more elevated strain of thinking, and that they may be more striking to some minds. A machinist, for instance, may be more struck with an illustration drawn from the action of a joint, or the structure of the hollow bones of birds, adapted to lightness combined with strength; while a reader of intellectual pursuits and reflective habits, might see a more palpable evidence of design in the association of ideas. In this view, the author's suggestion is important, though he does not seem to us to apply it with remarkable skill.

He treats the argument of the existence of God *a priori*, as it is called, with much ability. This argument undertakes to prove, and, in short, to demonstrate the existence of the Deity, independently of the evidence drawn from the existence of the world. It has generally been given up, but Lord Brougham points out its defects with great clearness.

Here ends his review of the evidence of the existence of an intelligent creative power. The character and attributes of this power are the subjects of Natural Theology, and the investigation of the evidence of these, would properly come next

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under review, but the author does not make this a distinct subject; he only treats of it incidentally, in subsequent parts of his work. The usual course of argument on this subject, as is well known, is the same as on the existence of God, namely, the illustrations to be found in the actual course of things in this world. We have not noted any reason given by him for omitting so material a part of his subject; it seems to be a striking deficiency in his work. The great difficulty of treating this branch of the inquiry would, we should suppose, have given it the greater attractions to him. The attribute of power is proved, of course, by the same argument as the existence of God. But that he is all-knowing, just and beneficent, needs other illustration. The great difficulty of this argument arises from the existence of evil, and the infliction and the suffering of wrongs; we surmount these by the hypothesis, that all partial ill is universal good, and that the wrongs of the present life are compensated in another. The idea that an omnipotent being is malignant, is too horrid and appalling to be admitted, but upon the strongest evidence. The evidences that the Creator is not so, are sufficiently manifest in the world. The proofs of benevolence entirely preponderate. This includes justice, for we cannot conceive of a benevolent being as approving of, or purposely doing injustice. Hence a very strong argument, — much stronger than those instanced by Lord Brougham, — is drawn in favor of future compensation for the evils and wrongs of this life. The argument is deduced from the attributes of the Deity supposed already to be proved. It is ably stated by Bishop Butler.

The constitution of the world demonstrates its governor not to be a malignant being; but to our imperfect view, it does not so clearly demonstrate his goodness. We see so many evidences of benevolence, that we suppose what seem exceptions, were we to judge from our own imperfect knowledge, are in fact not so. The Epicureans alleged the existence of evil against the doctrine of an intelligent Creator; considering it a proof of imperfection. There are two arguments on this subject, which are more satisfactory grounds of belief, than our own experience and observation of good and evil, happiness and misery, in this world.

In the first place, we cannot easily conceive an almighty Being as otherwise than good. There is some seeming incongruity and inconsistency in such a conception.

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Secondly, we cannot suppose such a being to do wrong. Even allowing him, like the gods of the Epicureans, to be indifferent to the concerns of men, we cannot suppose him to be unjust, for this would be to suppose him malignant, since his injustice could not otherwise be accounted for. Now it would seem to be unjust in the Creator to give his creatures, universally, a deep and all predominant admiration of the beauty and surpassing excellence of benevolence, if it were a vain delusion and mockery, and he himself were without the quality. In short, we cannot believe in a God, without also believing in his goodness.

After establishing the existence and attributes of the Creator, the obvious succession of topics in this science brings us next to the constitution of man, in which we seek for a knowledge of his relation to the Creator, and the foundation of duty, — the *foundation*, not the superstructure, for this belongs to the science of ethics, or deontology, — and here we are at liberty to reason, in part, from the character and attributes of the Creator, as already established, for if we have proved that He is all powerful and just and benevolent, our theory of the constitution, relations, and destiny of man, must be consistent with that character. And the connexion is close, and the consequence necessary, since if it be proved that man must be the creature of the deity, it follows of course that human destiny is subject to his control. The inquiries then are ; first, what such a being as the deity is proved to be, will do ? Second, what is man, as we experience him in ourselves, and observe him in others? Lord Brougham dwells upon the latter inquiry too distinctly, and does not connect it intimately enough with the former. He sets out with the proposition that the soul or mind is not material. This he considers to be a fundamental proposition. In this Platonic doctrine he departs from the course of reasoning adopted by Locke, Paley, and most of the champions in this science, and he lays so much stress upon this particular dogma, and so interweaves it with the texture of his treatise, that the work itself must stand or fall as it supports or fails in supporting this proposition. For he distinctly assumes the gratuitous position, that if the soul be not immaterial, the whole science of Natural Theology, as it bears upon the destiny of man, falls to the ground. Have his predecessors in this investigation, then, committed an egregious error on this point? The question is not whether the arguments on the subject go

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to the conclusion that man is mere matter, or a compound or combination of matter and some other substance that we call spirit, mind, or soul, but whether the latter doctrine is a fundamental and necessary one in this science. For a man may well believe the soul to be an immaterial substance, and yet not consider the doctrine as essential to the establishment of such a science as Natural Theology.

Whether we affirm or deny that man is mere matter, or a composition of this and something else, it is assumed that we know something of matter. Suppose then that we have got over Bishop Berkeley's doubts and objections, as to the proof of the existence of any such thing as matter, and admit that its existence is established beyond doubt, and that there really is, as there seems to be, an external world. What knowledge have we of the matter of which this exterior world consists? We can only answer from the intelligence given by our senses. Had we but one sense, instead of five, six, or seven, (for if we consider the feeling of heat and cold, and the power of perceiving resistance, two of them, the number will be seven,) we should get but little information of this external world; had we many more than we have, our knowledge would be much enlarged. The doctrine of the Platonists, of Lord Brougham, and indeed of the far greater part of men, philosophers and others, is that we may, by means of such senses as we have, obtain such a knowledge of the properties and capabilities of matter as to authorize us in the conclusion that it cannot think, — that something else must be superinduced to constitute feeling, perceiving, reasoning man.

What an obscure and subtile inquiry is here proposed? We know little of the nature and essential properties of matter; we witness its phenomena, or rather a few of its phenomena; what proportion we know not; we witness other phenomena of the human mind, of which we have a more full knowledge, since our experience and observation extend to all its properties, powers, and capacities; we then say that these latter are so diverse from and incompatible with the former, that God himself cannot endow matter with the sentient principle. This we say without knowing whether there is but one or are millions of species of matter going to the composition of the globe and its animals and plants; or whether the phenomena of a tenth or a thousandth of these species strike the senses. What constitutes life? How are inferior animals endowed

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with a capacity for sensation, memory, the passions, &c.? What line of distinction does Lord Brougham propose to draw between men and other animals, when he maintains that this dogma, as to the substantial composition of man, is at the foundation of Natural Theology, and so consequently of ethics? He does not point out the distinction. He does not even allude to it. He has a great example for this oversight. One of the arguments of Plato on the distinct nature and independent existence of the soul is, that there is a difference between the living man and the dead body, something being wanting in the latter which was present in the former. This something he says is the immortal soul. This illustration is evidently as applicable to any other animal as man. So Lord Brougham, to prove the immateriality of the soul, and show that the phenomena of mind are not the result of any composition of material ingredients, says :—

"We know of no case in which the combination of certain elements produces something different, not only from each simple ingredient, but also different from the whole compound."

Now this argument is as applicable to the instincts of animals as to the mind of man. The oversight of this objection is quite unaccountable, for it is so obvious that his argument from the affections, memory, habit, dreams, &c., apply to brutes as well as men, that it seems all but impossible that the objection should not have occurred to him, that he was proving, with respect to brutes, what he was attempting to prove with respect to mankind. It is certain that very few readers will follow him through this part of his speculations, without perceiving the application of his instances to many species of the brute creation. If the argument upon this topic establishes any thing, it establishes so much as to be fatal to it. It is rare to find a more ill-conducted and objectionable piece of reasoning.

Lord Brougham mentions a familiar fact, which shows of how little importance is any theory on this subject of the materiality or immateriality of the mind, in regard to Natural Theology. He says the matter of which the body consists is constantly changing during life, and that it is not probable that a particle of that of the infant remains in that of the man at an advanced age; yet there is no question of their personal identity. He adduces this fact to show that identity depends

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on something else than matter. But it certainly does not prove it to depend on any thing immaterial. We should say that a tree was the same plant from the time of its putting forth a leaflet, to the age of two or three centuries, however many entire changes may have taken place in its particles. This proves that in living things, whether animal or vegetable, our notion of identity does not depend upon that of the constituent particles.

If the body may be entirely changed in its constituent particles during life, without destroying personal identity, why should a similar change afterwards destroy it? What necessarily hinders that the whole substance, whether material or immaterial, of an immortal being, should be changed again and again during its never ending existence, and still the personal identity be preserved? It is not contradictory to our notions of identity in the instances just given, for the plant is wholly material, and yet is wholly changed as to its constituent particles, while it still remains the same plant; and so in the case of man, the body is taken into the account in our estimate of his identity in this life, and yet he remains the same; we never doubt his identity, though as an animal he may have wholly changed. What ground have we for confounding identity of substance with identity of personality? We know nothing of the possibilities within the control of Omnipotence for continuing personal identity through a series of changes, gradual or sudden, of form, and of substance whether material or immaterial. The whole subject is entirely mysterious. It is a fair subject of speculation and of variety of opinions; but to erect these opinions, whether on one side or the other, and that gratuitously and unnecessarily, into fundamental doctrines, throws a cloud over science and savors of exploded modes of philosophising. Some men suppose they see in matter, properties and incidents inconsistent with its constituting the essence of an immortal being, but if others think a material essence may be immortal, we do not perceive what necessarily forbids. Each opinion is an hypothesis beyond the reach of decisive proof or disproof. It is supposed that the doctrine of materialism tends to that of the utter extinction of being at death. Indeed this is one of the arguments of Lucretius. Admitting this tendency, it does not authorize us to dogmatise on the opposite doctrine of spirituality. However obvious and necessary such a tendency may be, this, at least, would be no reason for assigning

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to the doctrine of spiritualism, the position given it by Lord Brougham, and making it fundamental; if the doctrines of moral obligation and future retribution can be established, as we think they can, without the aid of any inference from the doctrine of spiritualism. We cannot reason from what we know nothing of, namely, a spiritual essence, in favor of a future existence. We must first prove a future existence on other grounds. We then say, as a consequence of this doctrine, that man, to survive the present life, must be of an indestructible substance. This is an inference from the essential fundamental doctrines of Natural Theology. To transpose these doctrines and make that of spiritualism the basis and essential condition of the system, is to reverse the order of the argument. It seems to us, therefore, that the most distinguished predecessors of Lord Brougham in this inquiry, were logically and philosophically correct in passing over the hypothesis of materialism or spiritualism, as not being essential to this science.

There is, as we have intimated, no necessity for resorting to any positive or negative theory as to the composition of the intellectual part of man, to establish the doctrine of a future existence. The existence of an intelligent First Cause, and the attributes of justice and benevolence, being proved, but a single fact more is necessary, and that a very obvious and an indisputable one, to force upon a fair and reasonable mind the belief in a future state of being, in which the moral inequalities of the present shall be compensated and its imperfections remedied. This fact is the moral constitution of man. Every man that has any understanding, makes the distinction of right and wrong, and has a sense of moral obligation. Men do not always agree to what is right and what is wrong in particular cases, though they usually agree even here; but every man makes the distinction of right and wrong, and we do not know that any other animal does make this distinction in an ethical sense. It is one of the deepest, and strongest innate principles in the mental constitution of man. No rational human being, whether civilized or savage, is without it. It follows from the attributes of the Creator already mentioned, and from the analogy of the whole system of the world, as far as it comes under our observation and within our knowledge, that the destiny of men is to be in accordance with this principle of their nature. In other instances among men and inferior animals, the capabilities, wants, instincts, and endowments of each race, are accommodated to

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its condition and destiny. If man's condition and existence are not accommodated to, and made to harmonize with, his sense of right and wrong, it is an exception to a rule which holds throughout creation in all other instances, as far as our knowledge goes. Now, if existence terminates with this life, then his condition and fortunes are not in accordance to this strong and most noble constitutional principle. A future state of compensations is absolutely requisite to make the harmony and correspondence in this respect, which are manifest in the world in other respects. Leaving, then, all speculations respecting the intellectual substance, or the composition of the soul, we may rest on this basis, in confidence that the universal sense of right and wrong was not given to man to mock his hopes ; and is not an exception to the rule of harmonies and correspondencies prevailing in the whole system of nature besides. A like argument is drawn from the capacity of man for unlimited progression and improvement.

We have thus stated concisely what appear to us to be the leading grounds of belief in the fundamental doctrines of natural religion. We do not touch upon the numerous ramifications and illustrations into which the argument has been pursued, and by which it is fortified.

It is observable that this argument does not necessarily go to the immortality of man, but only to a future state of existence. We do not see that nature merely, independently of revelation, can carry us beyond this result, by decisive reasons, though cogent arguments may be adduced from the same source in favor of our immortality. But we apprehend that it is doing an injury to the cause of Natural Theology and morality, to press the conclusions on this question, drawn from our observations of nature and the constitution of man, beyond their obvious force and application.

Even on the admission of atheists, of what no man in his senses can deny, that there is an evident adaptation correspondence, proportion and harmony pervading nature, though they deny the evidence of design, a practical foundation of ethics may be drawn from the moral constitution of man and his capacity for unlimited improvement, since if his prospects and destiny ought, upon this theory, to correspond to his moral distinctions, and, therefore, when he is acting in conformity to these distinctions, he is acting upon a natural principle, and for his own well being ; and, when he is acting in contradiction to

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them, he is trying in vain to stem the current of nature, and will suffer in his conflict with the order of things established by fate. This is a sufficient ground for a system of ethics upon the mere principles of prudence and selfishness.

The argument from design, supposes a knowledge of the object to be attained, and, therefore, in one respect comes under the head of reasoning from final causes, a species of philosophising which Lord Bacon considered as not belonging to inductive science. Now, if Lord Bacon had laid down any axiom of philosophising which should make it a vain, fanciful speculation, to suppose the foot *intended* for walking, the lungs for breathing, and the ear for hearing; for these are the sort of final causes involved in the argument for natural religion; even so weighty an authority as that of the great teacher of the principles of inductive science, would have not the least influence in supporting such a proposition, in the opinion of any man of common sense. Lord Brougham, however, vindicates him from the discredit of intending to lay down so absurd an axiom; and shows that he had reference to the abuses and perversions of this mood of reasoning, by fancying final causes, of which we have no knowledge or evidence.

Lord Brougham makes some just remarks on the division of inductive reasoning into the analytical and synthetical methods, which he considers to mean substantially composition and resolution, or the putting together, and taking apart; and he agrees with Dugald Stewart that the division is wholly inapplicable, except to chemical experiments or analogous modes of investigation, and useless, and indeed unintelligible, in relation to moral and metaphysical researches. He then introduces the subject of "the advantages of the study of natural religion," which general division, he subdivides into the pleasures of science generally, the pleasures of the study of Natural Theology in particular, and the connexion between natural and revealed religion. The first of these topics, the pleasures of science generally, the delight of discovering new truths, the pleasing surprise of reducing the most remote and apparently disconnected phenomena to the same law; the gratifying consciousness of the power of the human intellect, and of our own participation in its triumphs; he illustrates with ability, though with less animation and eloquence than the subject admits and invites. He remarks that in the pursuit of any other science we *may* contemplate merely the pleasure of the pursuit itself,

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without proposing any practical application to our own happiness or misery in any other respect; whereas, in the study of Natural Theology, we are constantly unfolding truths in which our destiny is involved. This, he adds, "makes it beyond all doubt, the most interesting of all the sciences, and sheds on the other branches of philosophy an interest beyond that which otherwise belongs to them. See only in what contemplations the wisest of men end their most sublime inquiries? Mark where it is that a Newton finally reposes, after piercing the thickest veil that envelopes nature; grasping and arresting, in their course, the most subtile of her elements and the swiftest, — traversing the regions of boundless space, — exploring works beyond the solar way, — giving out the law which binds the universe in eternal order! He rests, as by an inevitable necessity, upon the contemplation of the great First Cause, and holds it his highest glory to have made the evidence of his existence, and the dispensations of his power and wisdom, better understood by man."

It has been frequently remarked, and is quite obvious, that a single instance of design in creation is a demonstration of the existence of a God,

"But," Lord Brougham asks, "is it enough to the gratification of the contemplative mind? The great multiplication of proofs undeniably strengthens our position; nor can we ever affirm respecting the theories of a science, not of necessary, but of contingent truth, that the evidence is sufficiently cogent without variety and repetition. But independently altogether of this consideration, the gratification is renewed by each instance of design, which we are led to contemplate."

The concluding section, on the connexion of natural and revealed religion, presents the doctrine that the former is absolutely essential to the latter, in a strong light. The argument is indeed conclusive. The doctrine has been admitted by the most learned and philosophical christians, and questioned mostly by the weak, bigoted and arrogant, who were more inclined to dogmatize and give law, than to convince. Lord Brougham remarks that revelation presupposes the existence of God, and that his attributes must also be presupposed, namely, his power over the laws of nature, and his benevolence, in order to lay a foundation for the application of the evidence on which the christian religion very materially rests. For, if we suppose various beings in the universe, some good and some malignant,

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each having, independently of the others, power over the laws of nature, the objection made by the Pharisees to the evidence of miracles, that they were wrought through the power of Beelzebub, would be unanswerable. But, if it be first established by other evidence, that there is but one being who has power over the laws of nature, it follows that the power of suspending those laws can be delegated only by him, and accordingly, that an exercise of such a power is a proof of commission from him.

We have already noticed what we consider a fundamental defect in the work, in the rank and position given to the doctrine of spiritualism. Another instance of very hasty assumption of a theory, though less intimately blended with the texture of the argument, is that on the subject of dreams, which the author suggests may be only the accompaniments of falling asleep and waking up. That dreams may be the phenomena of only partial or imperfect sleep, is a common theory, but that they only occur at the time of going to sleep or of waking up, is, we believe, a new theory. But whether it be new or old, it is, we think, inconsistent with phenomena within the observation of every one. Dogs in their sleep certainly show signs of an eager pursuit of the chase in imagination, without immediately waking, and at other times than directly after falling asleep. Somnambulists and persons who talk in their sleep, certainly do not come within the theory.

We have thus given an outline of this work. It certainly shows much ability and considerable reading on the subject. But it is not such a work as the public expected from Lord Brougham, upon such a science. The style is pedestrian, involved and laborious throughout. The author, instead of moving forward with bouyant spirit and ease, seems all the way to be trundling an unwieldy burthen. The work is full of abstraction and toil from beginning to end. The author is a guide in an obscure subterranean region, with a torch in his hand, showing object after object in detail, instead of groups and landscapes in full daylight. There is not a little parade of learning and science in the work, particularly the notes, and too much in the phlegmatic exaggerated style of a catalogue of curious and remarkable things. We would not be understood to exact of an author a vivacity, and brilliancy, luminousness and interest, that shall enchain the attention of the idlest reader, on a subject of so logical and scientific a character,

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and so learnedly treated, but the reader has a right, we think, to ask to be conducted more among those "pleasures of science," above spoken of, where he might occasionally feel a spontaneous delight and admiration, without being so often admonished in a frigid manner, to wonder at this and wonder at that. This want of a clear and luminous display of the received evidence of natural religion, as far as its doctrines come under remark, is not compensated by the suggestion of new views, one of the most striking characteristics of the work, being the want of original thinking. The work certainly cannot be said materially to have enriched the science which it treats.

The work of the Rev. Mr. Godwin, on the same subject, the title of which is prefixed to this article, is in striking contrast with the one we have been examining. It appears from the preface, that in the neighborhood of Bradford, in Yorkshire, in England, where the Rev. Mr. Godwin is an officiating clergyman and an instructer in a seminary, sceptical and atheistical doctrines have become prevalent to a considerable extent, and are openly defended and promulgated with much zeal. With the laudable design of checking the progress of such pernicious opinions, Mr. Godwin undertook a course of public lectures, on the atheistic controversy, which were delivered in his chapel, during the months of February and March, 1834, and published in England, in the October following. The course consists of six lectures.

"The interest felt in the town and neighborhood, was far greater than the lecturer had anticipated. The place was crowded to excess; the congregation increasing as the course proceeded, and though the pressure and heat were great, a silent and unremitting attention was given to the whole of the lectures, which occupied, on an average, each, about two hours and a quarter in delivery. Those who had embraced the tenets of infidelity, were general and regular in their attendance, and their behavior was marked with propriety. Indeed," adds Mr. Godwin, "it is but just to say, that in all the communications the author has had with the leaders of the sceptical party, he has been treated with the utmost respect and courtesy."

These persons promised an answer, and Mr. Godwin supplied them with the sheets of his publication as they came from the press, that they might more early make the intended reply. Whether this has been published, we have not learned.

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Mr. Andrews has added, in a short appendix, a train of reasoning on the subject, in aid of the author's. He remarks of the work in his preface, as, we think, very justly.

"The character of it, in every respct, is such as the Christian, the philosopher, the scholar, and the man of taste, would desire. It presents the most powerful, logical and convincing train of reasoning, clothed in the most lucid, harmonious and engaging style. As a mere piece of composition, it is beautiful; as a chain of reasoning, it is overpowering and irresistible. The temper manifested in it too, is highly creditable to the author and grateful to the reader. The most perfect candor, calmness and amiability, prevails throughout it."

A popular work upon this subject, and on this plan, was really needed; and it could hardly have fallen into better hands. Mr. Godwin commands a bold, free and masterly style, that reminds the reader of Dr. Chalmers, though Mr. Godwin is superior in chasteness, taste and elegance. He is fluent, rapid and fervent. His illustrations are well chosen, and what is a great recommendation of the work, they are not digressions, — they are not so labored, followed out and dwelt upon, that the the reader forgets the main argument in the study of astronomy, anatomy and natural history. The lecturer is constantly going forward, always with spirit, and often with brilliancy and eloquence.

In a course of lectures, delivered to such an audience, and under such circumstances, it might be expected that the lecturer would occasionally deviate from the most rigid train of ratiocination, into strong appeals intended for excitement as well as conviction. But on the whole, Mr. Godwin has very well withstood the temptations to address himself to the fears or prejudices of his auditors; in general, he fairly deals with their understandings. He sometimes adopts an argument that would be better omitted, as for instance, that infinite space must be a property of something, and can be such only of the divinity; and he sometimes lays too great stress upon a questionable, or at least, a feeble argument, as for instance, the general belief of mankind in a Creator, as evidence of an original revelation of himself. But on the whole, the argument is treated, not only in a very interesting manner, but with ability and logical precision.

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ART. VIII. — *The Social Condition of Woman.*

1. *Memoirs of Celebrated Women of all Countries.* By MADAME JUNOT. 2 vols.
2. *Noble Deeds of Woman.* 2 vols. 12mo. 1836.
3. *The History of the Condition of Women, in various Ages and Nations.* By MRS. D. L. CHILD. 2 vols. 12mo. 1835.
4. *Legouvé, Le Mérite des Femmes.*

INVENTIVE writing is full of common-place respecting Woman, drawn from the feelings or the imagination, sometimes depicting her character as a brilliant constellation of all the virtues, sometimes as a virulent concentration of all the vices and weaknesses incident to human nature. For instance, we take up Otway's Orphan, and we read in one place verses like these:

> "Who can describe
> Women's hypocrisies? Their subtle wiles,
> Betraying smiles, feign'd tears, inconstancies?
> Their painted outsides, and corrupted minds?
> The sum of all their follies and their falsehoods?"

And again, at another page, these:

> "Your sex
> Was never in the right: you 're always false
> Or silly. Even your dreams are not more
> Fantastical than your appetites. You think
> Of nothing twice. Opinion you have none:
> To-day you are nice, to-morrow not so fine;
> Now smile, then frown; now sorrowful, then glad;
> Now pleased, now not; and all you know not why.
> Virtue you affect."

Is this harsh? Turn the leaves, and you come to the other side of the question, in that beautiful passage of the same Otway's Venice Preserved:

> "O woman, lovely woman! nature made you
> To temper man; we had been brutes without you.
> Angels are painted fair, to look like you;
> There's in you all that we believe of heaven;
> Amazing brightness, purity and truth,
> Eternal joy and everlasting love."

It would be curious, if in our way, to run over what the

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novelists and dramatists have had to say upon this point. In the latter, especially, there is a perfect arsenal of the small artillery of stale reproaches on feminine weakness and falsehood. In reference to all such matter, whether set fixedly in books, or floating on the surface of society, we hold this axiom in reverent belief; there is no man of good morals, who does not admire and esteem the female character. Whoever disparages the female sex, is, of necessity, a bad son, and a thousand to one he is, in his custom of life, a bad member of society.

Reflecting upon the diverse forms under which Woman appears in the great classic writers of our language, we think it demonstrates that each one's individual temper and experience, much more than philosophical observation of general fact, have produced his particular representation of her social destiny.

Open, for instance, the poems of Pope and Swift, which abound with such coarse, bitter, humiliating satire of the female sex. Are all women, then, without discrimination, utterly destitute of delicacy and purity of sentiment, as those writers would have it? Or was there not some seated distemper in the moral constitution of their minds, which jaundiced all their views of woman? The truth in this matter is familiar to every scholar. They were each the objects of the devoted, but unmerited and unrequited affections of some of the best hearts that ever beat in human bosoms. What men deeply injure, that they deeply hate. Festering in misanthropical celibacy, the mind of each transferred to the canvas its own dark tints of spiteful malignity, in place of the reflected image they professed to copy. If we analyse the life and character of Milton and Byron, we shall there in like manner find a key to all the peculiarities in their conception of the social condition of woman. There is one poet and one prose writer, however, each pre-eminent for his intuitive perception of character, and his marvellous knowledge of human nature, who have written a vast deal concerning the female sex, full of instruction, good sense, good feeling and truth. We mean Shakspeare and Scott. They loved fondly, but wisely, and there was not, therefore, in their domestic history, any great disturbing fact to distort their judgment of the fair sex; and they have recorded woman as she is; rich in the virtues and graces appropriate to her career on earth; if with less of the sustained vigor of active resolution, and less of the analytical comprehensiveness

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of intellect than man, yet with more intensity of purpose, and more instinctive quickness and force of thought in a given emergency; when good, in principle better than he, when bad, worse; in a word, neither greater nor less than man, but different, as her natural vocation is different, and both so far equal, that each is superior to the other in their respective departments of thought and action.

In taking up this topic, of the social condition of Woman in modern christendom, we avow, in advance, that we are not preparing to present a mere panegyric on the female sex. What we propose to ourselves, on this occasion, is neither a reasoned analysis of the general spirit of the gentler sex, nor a diatribe upon her defects; nor a declamation upon her excellences; but a just deduction and estimate, so far as we are able to give it, of what christian civilization has done for the condition and character of Woman. After speaking of the leading facts of her history, we may best pronounce upon her true rank in the scale of society, and of moral and intellectual beings.

Without covering so much ground as would be needful, were we to attempt elucidating at large the condition of Woman in societies unconnected with our own, it will suffice, if, as preliminary to considering her place in the economy of modern christendom, we briefly explain what she is in countries highly civilized but not christian, in a purely barbarous state of society generally, and what she was in those communities, which chiefly contributed to form the spirit of christendom, namely in Palestine, in Greece, in Rome, and among the ancient Germans.

Of modern countries highly civilized, but not christian, we shall take but two examples, China and Hindostan, both as composing so large a portion of the human race, and as having really attained a high degree of general culture.

In considering the purely savage or hunter stage of human society, notwithstanding there be in different countries great diversities in the condition of the female sex, yet in every case we discover certain marked traits, which clearly indicate the deleterious effect of barbarism of manners upon the social position of Woman. One is, the similarity of savage life, in the nearest of all the social relations, to the condition of brute animals. In the hunter state, the supply of the first necessity of life, food, is precarious; and this uncertainty of the means of sub-

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sistence counteracts the natural tendency of mankind to a permanent connubial union between the sexes; a tendency which developes itself more and more in proportion as society grows more fixed and stable in its forms. Hence, in many such communities, children are distinguished with reference to their mother alone whose name they bear, and not their father's. In some of those tribes of North America, which admitted of hereditary sovereignty, royalty of blood was tested by derivation from the mother alone, in reverse of the usage of all civilized nations. Such institutions or usages necessarily imply the degradation of the female sex. Another of the distinctive peculiarities of the savage life is the common fact, that women are held as property. In some barbarous communities, the wife is purchased, in others she is forcibly seized by her future husband and master. And universally we may say, at all times, in every climate, under whatever circumstances of local situation, savage man regards and treats the feebler sex as born to menial service. Woman is the humble slave of his pleasure, the handmaid of his daily wants, his laborious drudge of the field, the household and the journey, consigned to toil and subservience, whilst he, the proud lord of creation, aspires exclusively to the stirring chances of the chase, or the yet nobler game of war. Nor does this description apply to a class only of savage society. Such is the general condition of women in barbarous communities, however exalted the station of their rude connexions, how much soever they happen to be cherished by their untutored lords. Out of innumerable illustrations of this, which might be given, we select one, for its peculiar fulness, pertinency, and homely force and truth. Samuel Hearne is well known as one of the adventurous explorers of the arctic coast of North America. He was returning on his way back to Prince of Wales' Fort, unsuccessful from his second expedition, when he met Matonabbee, whom he describes as "a powerful and intelligent chief," and who undertook to explain the cause of his failure, ascribing it to the want of female attendants. "In an expedition of this kind," said Matonabbee, "when all the men are so heavily laden that they can neither hunt nor travel to any considerable distance, in case they meet with success in hunting, who is to carry the produce of their labor? — Women were made for labor; one of them can carry or haul as much as two men can do. They also pitch our tents, make and mend our clothing, rake our fires at night;

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and in fact there is no such thing as travelling any considerable distance or for any length of time in this country without them; and yet, though they do every thing, they are maintained at a trifling expense; for, as they always act the cook, the very licking of their fingers in scarce times, is sufficient for their subsistence." Under the auspices of Matonabbee, and with seven of his wives to accompany him, Hearne set out on his third expedition; and in his plain unvarnished description of the incredible hardships he underwent, and of the excessive toil imposed upon the females of the expedition, we have a vivid representation of the servile and wretched condition of the female sex in the very highest rank of their nation; for such was Matonabbee, as expressly stated by Hearne, and as incidentally apparent throughout his narrative of the journey. And if, in some savage societies, the condition of woman was better, in others it was worse than represented in the pages of Hearne's Journey.

While the people of Hindostan, it is true, have made such advances in certain of the forms and fixed improvements of civilization, that they cannot be deemed a barbarous people, still the practice of infanticide, and the disregard of chastity, are facts upon the face of things, attesting a barbaric degradation in the social position of woman. Yet there it is, that the widow proves how irreparable is her grief, by devoting herself on the funeral pile as a burnt-offering to hallow the memory of her deceased lord. But how did he earn such unequalled ardor of love? We may read in the Abbé Dubois an extract from one of the sacred books of the Hindus, which expressly enjoins upon her not merely that she is to obey her husband as a master, but that she is to revere him as a god. "When in the presence of her husband," are the words, "a woman must keep her eyes upon her master, and be ready to receive his commands. When he speaks, she must be quiet, and listen to nothing besides. When he calls, she must leave every thing else, and attend upon him alone. A woman has no other god on earth than her husband. The most excellent of all good works she can perform, is to gratify him with the strictest obedience. This should be her only devotion. Though he be aged, infirm, dissipated, drunkard, or a debauchee, she must still regard him as her god." Such is the text. And these precepts, it is notorious, are practically observed in the domestic intercourse of the Hindus.

Nor is the state of things any better in China, as is well

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stated in, if we remember rightly, Morrison's authentic translation of the She-King. "In childhood slighted, in maidenhood sold, in mature womanhood, shackled by the laws which prescribe numerous and unpleasing duties, or rather tasks to their husband's relations, — in widowhood controlled by their own sons, in all ages and states considered as immeasurably inferior to men, denied even moral agency in the power of doing either good or evil; — woman is considered by the laws of the country as the bond and appointed slave of man and nature, made such by the same law that gives to the sun its light and to the leopard its spots; and they find their fate but slightly modified by the opinions and practices of their husbands and fathers." No addition of ours to this comprehensive description of the social condition of Woman in cultivated and lettered China could augment its graphic force.

The Christian religion issued out of Judea; and our opinions, especially in Protestant countries, where the Bible is so universally read, expounded, and reverenced, are greatly influenced by the Old Testament, that is, the inspired history, laws, poetry, prophecies, and moral disquisitions of the Jews, which are incorporated into our literature and bias all our trains of thought. Society, as represented in the Bible, had already emerged from the barbarism of the hunter state, and presents itself in the three successive stages of the pastoral, the agricultural, and the commercial and manufacturing states, each being superior in civilization to its predecessor. Substantially the same system of legislation, however, regulated the whole period of time, from the age of the patriarchs, or at least from the exodus out of Egypt, down to the advent of our Savior. And it was not such as favored the condition of the female sex; for polygamy obtained, as in other oriental countries; and women were entirely dependent upon the men, who might repudiate them at will, and without cause. Such laws could not be otherwise than decisive of their general condition; and a careful study of particular facts will bring the mind to the same conclusion, which a consideration of those laws would lead us to draw. The persevering attachment of Jacob for Rachel shows that, in the patriarchal age, woman had acquired a value unknown to the hunter-life; but all the circumstances of their domestic history, so distinctly told by the sacred penman, show, at the same time, that their love was destitute of the delicacy and individuality, essential to the true respectability of woman. Again, it is observable that Sarah, Rebekah,

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Zipporah, Ruth, Tamar, the wives and daughters of rich men and princes, appear before us continually in the performance of menial services, or humbly uniting in the pleasures of their lords, not, as with us, the cherished objects of respectful affection, and equal observance. And the remarkable incidents, which well nigh occasioned the annihilation of the tribe of Benjamin, as related in the book of Judges, when the man of Gibeah, instead of contending to the death, as we should have done in defence of the females of his family, offered them as a sacrifice to purchase the safety of his guest, are characteristic of the cotemporary estimation of Woman. To be sure, her condition improved along with the introduction of arts and manufactures into the country; and what it was in the Augustan age of Judea, we see plainly in Solomon's description of a good wife: "She maketh herself coverings of tapestry; her clothing is silk and purple. She maketh fine linen and selleth it, and delivereth girdles unto the merchant. She openeth her mouth with wisdom, and in her tongue is the law of kindness. She looketh well to the ways of her household, and eateth not the bread of idleness." Such, therefore, was the model of a perfect woman at the highest point of civilization among the Jews, — a laborious artizan, a discreet housewife, and withal, one amiable and judicious in her deportment and conversation. At the same time, even at this period, there is no social equality, no intellectual refinement, in the comparative condition of the female sex; it is that of an Asiatic laboring under the disabilities of polygamy, just as in the Syria of our own day.

Pass to the Greeks, to a European population, though in and upon the confines of Asia. We know little of the heroic age of Greece; but that little exhibits a manifest social superiority of Woman over what she was in Judea, because polygamy, with all its train of attendant ills, disappears. It is said in the Iliad, of bad men, that they deserve not to enjoy the rights of a citizen, nor the happiness of domestic life; and as to be out of the pale of citizenship was to be an outlaw, we may judge, by the coupling of it with domesticity in the poet's mind, how much Woman had begun to be prized. And we think the fact, that in primitive Greece so many women were deified, and the female deities, as Rhea, Juno, Proserpina, Venus, Minerva, held in at least equal veneration with the male ones, testifies that some imperfect glimpses of the true destiny

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of Woman was dawning out upon the age. To this hour, Andromache and Penelope are beautiful examples of conjugal truth and virtue. On the other hand, so many women, who attained a bad eminence by their vices, Medea, Phædra, Helen, Clytemnestea, do yet attest the growing personal consequence of the sex, in this the cradle of the intellect and civilization of Europe.

Two republics, contrasted in all their institutions, stood at the head of the Greeks. In Sparta, every thing was forced, artificial, unnatural; in Athens, the finely organized Hellenic mind, enamored of taste, beauty, and refinement, had free scope in the following of its native bent. Lycurgus impressed on the women of Sparta a character of hardness and exclusive devotion to the military success of the republic, at the expense of every feminine quality. To wrestle in the Palæstra promiscuously with men, and half naked; not to know or conceive that which is the most indispensable, and yet the first and lowest of the virtues of a wife; to rejoice over the death of a son in the wars; to practice the crime of infanticide as a matter of course, if a child seemed to be of feeble structure: such was the education, such the character, such the habits, of the women of Lacedæmon. Not so in civilized Attica. There a singular state of things ensued, from the keen sense which the cultivated Athenians felt of the value of intellectual female society, acting upon their peculiar domestic institutions. Usage, more despotic and more tyrannical than law, exacted of matrons and other ingenuous women, a life of extreme seclusion. To live in society, to cultivate the exquisite social arts which give intellectual interest to the female sex, was to overstep those conventional boundaries of virtue, which admitted of no return. Hence, although in Attica and other parts of Greece of congenial manners, highly accomplished women existed, and held a pre-eminently brilliant position in society, celebrated by poetic and mimetic art, courted by philosophers, and enriched by princes. — Sappho, the poetess, Leæna, famed for her constancy to the slayers of the Pisistratidæ, — Aspasia, at once a Ninon de l'Enclos to Socrates, and a Maintenon to Pericles, — Lais, the glory and the shame of Corinth, — Phryne, who offered to rebuild Thebes at her own charge, and who could boast of a golden image erected to her honor in the temple of Apollo at Delphi, — yet all these were public wantons, who usurped among the spiritual and beauty-loving Greeks, that

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estimation, which is the rightful due of purity and virtue alone, and which degraded irreparably, while it seemed the most to honor, the nicely constituted character of Woman.

Proceed now to Italy, and raise the veil from the domestic sanctuary of the Romans. There is nothing more striking, all through the history of the kings and of the early republic, than the new aspect under which Woman presents herself, so different from any thing in Greece. The Roman matron possessed the patriotism of the Spartan without her cruelty and coarseness, and the purity of the Athenian without her extreme seclusion; she fell short of the modern European, in that intellectual refinement and high accomplishment, which combined with virtue, belong exclusively to Christendom. Her occupations for a long period, were such as to imply inferiority of condition. Thus, when the Sabines made peace with the Romans at the conclusion of the war occasioned by the forcible abduction of the Sabine maidens, it was stipulated that no labor should be exacted of the latter except spinning.* Hence an old writer, who enumerates the qualities of a good wife, to probity, beauty, fidelity, and chastity, adds, *skill in spinning*. Nay, the Emperor Augustus seldom wore any apparel but of the manufacture of his wife, daughter, and the ladies of his household.†

What originally gave consequence to the female sex in Rome was the necessity of seeking them, under which the infant people of Romulus labored. Thereafter, we perceive, in the important part played by individual women, what was the general consequence of the sex. Hersilia, with her fellow-matrons, reconciled the Sabines to the city of her forced adoption; the crime of Tarquin gave birth to the republic; the death of Virginia destroyed the tyranny of the Decemvirs; Veturia rescued Rome from the wrath of Coriolanus; when Brennus held the city at ransom, the Roman ladies stripped themselves of their gold and jewels for the service of the republic, as they did in the equally desperate crisis of the battle of Cannæ. And where such a spirit earned to women such an estimation, it is not strange that it became lawful to praise them in the tribune, to pronounce eulogies to their memory, and to draw them in chariots to the public games, nor that we see in Rome, at this time, instead of the corruption of the Paphian Venus, temples to Female Fortune, and the sacred fire

* Plutarch's Romulus. † Sueton, August. 73.

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of the republic consigned in custody to the virgin priestess of the spotless Vesta.

In the decay of the republic, and the still deeper abasement of the empire, as the female sex still continues an important element of society, this consequence follows. Frequent examples of eminent female excellence occur, contrasted with cases of equally eminent infamy. If Cornelia could inspire the Gracchi, and Julia sustain the fortune of Pompey, and another Cornelia nobly share them for better and for worse, and Atia form the genius of Octavius, and Portia approve herself worthy to be the wife of Brutus, yet in the same age Metella could dishonor the household of Sylla, and Catiline and Clodius range at will among the best in blood and highest in rank of the patrician wives of Rome. So, in the next generation, we have a Julia Augusta, and a Messalina steeped in the very lees of vice, by the side of an Agrippina at the pinnacle of dignity and faith. And when the profligacy of imperial Rome had sunk to a depth of abomination, which no modern tongue can express, nor any modern mind well conceive, there were two Arrias, a Paulina, and an Eponina, who recalled the ancient glory of the best matrons of the republic. But there needed a new dispensation of religion for the moral reform of society in the days of the empire; nor that only, since the whole frame of society was corrupt; and nothing less than a dispensation of blood and fire could suffice to work its physical renovation. Long before the overthrow of the empire, indeed, Christianity had begun to make its benign influences felt in the condition and character of Woman; but as its operation covered a later period, and chiefly in that was active upon the present civilization of modern Europe, before entering upon it, we subjoin a few words on the social standing of the female sex among the invading Germans. For, while our religion is derived from Judea, and our intellectual tastes from the Greeks and Romans, the basis of our manners descends to us from the Saxons, Franks, and other tribes of the German race, who overturned the Roman empire, and established themselves upon its ruins.

Our most authentic knowledge of this great primitive state of modern Europe is derived from the works of Cæsar and Tacitus. The picture which these authors present to us, displays in part the usual features of savage life, in part others of a better aspect and higher promise. Among the ancient Ger-

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mans, as in other like conditions of society, all agricultural as well as household labor was devolved upon their women, and the infirm or less respected male members of the community. In Gaul, the husband possessed the power of life and death over his wife. But in Britain, and especially Germany, it seems to have been otherwise; or at least, if such were the legal power of the husband, yet custom had established more of practical equality between the sexes, than obtained in Palestine, in Greece, or even in Rome. The Germans, above all other barbarians, held in special regard the singleness of the connubial relation, and the purity of the female character. They married by the interchange of gifts in cattle and arms; for the wife, says Tacitus, that she may not imagine herself beyond the thought of virtue or the vicissitudes of war, is admonished by the very auspices of incipient matrimony, that she comes to be the associate of her husband's toils and dangers, the same to suffer and the same to dare, whether in peace or in battle. But there is a still clearer manifestation, in another place, of our own modern spirit of chivalrous admiration of the sex, animating the rude hearts of these wild hunters of the north. The Germans fought their battles with their wives and families near at hand. These, continues Tacitus, are the sacredest witnesses of martial prowess, these its loudest applauders. Each one carries his wounds to his mother, to his wife; nor do these shrink from numbering or exacting them; and they administer food and exhortation to the combatants. It is had in remembrance, that their line of battle, when already bent and broken, has been restored by their women, with constancy of prayers and bared bosoms, and warnings of coming captivity, which they dread far more intolerably on account of their female connexions. Wherefore, the more effectually to ensure the execution of treaties, noble virgins are demanded as hostages to bind the public faith. For they think there is something holy and fore-seeing in the mind of woman; for which reason they neither despise her counsels nor neglect her answers. Under Vespasian, we have seen Veleda, as formerly Aurinia and others, held by them in deep reverence, not with adulation, nor as goddesses, and yet withal as persons endued with special authority and wisdom. Is not all this finely conceived; and an omen of what Woman is to be, when these uncultivated barbarians shall have been exalted, by religious and intellectual teaching, into civilized Christians?

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In considering this point, of the particular influence of Christianity upon the condition of Woman, there is a material distinction important to be noted. Certain effects are often described, as evidently flowing from the tenets and general spirit of our religion, although not directly and specifically aimed at by express inculcation of the gospel. For instance, submission to existing political institutions is commanded, notwithstanding the corruptions of the empire would seem to have been such as to justify, nay, to require revolution for their reform. And yet nothing is clearer than that the general tendency of the doctrines of the New Testament is to further republican equality. It is a religion for the universal human race. It associates sovereign and subject, in the same service of religion upon earth; it ushers them into equal responsibility in heaven for good done or evil prevented, or the reverse, in the passages of this sublunary life of probation. It is emphatically a levelling religion, and of the right kind; for it levels upward; elevating all men to the same high standard of sanctity, faith, and spiritual promise on earth as in heaven. Just so it is, that wherever Christianity is taught, it inevitably dignifies and exalts the female character. Throughout the New Testament she is contemplated as a spiritual and immortal being, the equal partaker with man of all the offices of religion here, and of all its divine aspirations hereafter. We listen to prayer and exhortation within the same holy walls of God's temples; we kneel in supplication to the same consecrated altar; children are admitted into the visible church of Christ at the same baptismal font; we mutually plight our faith under the solemn sanction and observances of a common religion; and when the dearest bonds of blood or affection are sundered by death, there is left us the one admirable solace of sorrow, that the sainted spirit of the wife, sister, daughter, we may have lost, has winged its flight upward to rest forever in the bosom of the Christian's God.

We familiarly know how different in this relation are the opinions and feelings of that religion, which, in its single adoration of one overruling God, as in its respect for Moses and for Jesus Christ, approaches nearer Christianity than the old Pagan system of polytheism. There is much controversy, as to whether Mahomet did or did not teach that women have no souls. We have not examined the Koran with reference to the question; but an author, whose learning, judgment and good

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faith are worthy of all confidence, Father Feijoo in his elaborate Defence of Women, says he carefully perused it in the sole view to ascertain the point; and the Koran is in fact silent on the subject. And the intellectual, or rather spiritual, degradation of Woman, in the countries of the Mahometan law, is deduced from this silence more than from any positive text; and has a deeper foundation than text or doctrine, in the practice of polygamy, and the prevalence of purchased connexion, the standing curse of society in the luxurious climate of the Levant. Nay, the propagation of the sanguinary fanaticism of Mahomet and his disciples, in regions once occupied by Christianity, may be partly ascribed to the important difference between the two religions, and the superior correspondence of Islamism to the settled moral and social debasement of Asia in respect of Woman. A curious and interesting illustration of this occurs in the case of Spain, when the occasional intermarriages of Christian with Mahometan, and the intermixture of the Arabs and Goths by reason of the conquests made by each in the territory of the other, and the frequent residence or visits of Christians at the Moorish courts of Zaragoza, Cordova, Seville, or Granada, and of Moors in the Christian cities of Leon and Castile, visibly modified the manners of each nation, communicating to the Goths something of the Asiatic averseness to female independence, and to the Spanish Mahometan something of the chivalry and courtesy of the modern inhabitants of Christian Europe.

What we have thus reasoned of the influence of Christianity applies to all its forms, and to the institution itself as we are the witnesses of its operations in modern times and in the Protestant countries of Europe or America. But, in the early ages, when Christianity first impressed itself upon European society, other religious causes, besides the essential doctrine of the Christian faith, aided it in the noble work of elevating the social condition of Woman.

Whoever is personally acquainted with the usages of society in the countries of the Roman Catholic and Greek faith, which compose the larger part of both Europe and America, cannot fail to be struck with the reverence there paid to females of sainted memory, martyrs of old who have been canonized for their devotedness to Christianity, or the Virgin Mary and other females consecrated in the New Testament. The Virgin is,

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perhaps, in all those countries, a more constant object of address for interest or protection, than even our Saviour himself; so much so that this very fact is, among Protestants, a common article of reproach against Greek and Roman Catholic Christians. In countries dependent upon the See of Rome, while the veneration of the Virgin Mother is not less intense than it is in Greece or in Russia, the veneration of other sainted females is more universal. Their images and their pictures every where meet the eye; their festivals are of continual recurrence; churches and shrines are dedicated to their memory; their names are perpetually upon the lip in every hour of business or pleasure; children receive their names, and learn to regard them through life as their special intercessors, in all seasons of doubt or peril, for the mercy and favor of heaven. This may be very exceptionable as matter of religious doctrine; at least it is very abhorrent to the usages of devout Protestants. Its influence, however, in the middle ages, eminently contributed to exalt the character of the female sex. It habituated, and still habituates, all persons, of whatever condition, to the contemplation of feminine excellence of a spiritual, moral, or intellectual kind, in contradistinction to the less refined and ennobled estimation of woman in countries out of the pale of Christendom.

Furthermore, the individuals thus regarded with a veneration so peculiar as even to offend the principles of Christians professing the reformed faith, belonged to the vast body of women of the early ages, who by their constancy, their zeal, their sufferings, their self-sacrifice, their martyrdom, were living examples of the wonderful influence of the tenets of Christianity in purifying the heart and elevating the character of woman. In the impressible and enthusiastic constitution of the female mind, there is a remarkable aptitude for the peculiar doctrines of Christianity. We see the readiness of women in receiving, and their instrumentality in propagating, the gospel, in the inspired narratives of the Evangelists; we see it in the teachings and reasonings of the epistles; we see it in the writings of the early fathers of the church; we see it in the innumerable cases of surpassing magnanimity and fortitude which honor the female name, through all the persecutions of the Pagan emperors; we see it in Saint Helena, opening the heart of Constantine, and thus making Christianity the religion of the

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empire; we see it in the conversion of Clovis and his Franks through the pious eloquence of Clotilda. How, indeed, could it be otherwise? What woman of sense or sensibility, but would cling to a faith which lifted her from the humiliation of long centuries into her appropriate sphere of moral dignity and spiritual value and influence, and thus redeemed her as it were from the divine malediction, which fell in Paradise on our erring mother Eve? No wonder that Christianity commended itself to the female mind; no wonder that Woman was last at the cross and foremost at the grave; no wonder that persecution did but prove her truth, and thus filled the Roman and Greek world with so many examples of female excellence honored and revered in the traditions of the church.

One thing in addition. We cordially concur with all other Protestants, and with many if not the major part of Catholics, in the condemnation of monastic institutions; because we know they are unfitted to the advanced stage of our civilization. The times when they were calculated to be useful, have ceased to exist. But he, who is unaware of the important uses they had in the furtherance of intelligence, religion, and moral purity in the middle ages, must be untaught in the lessons of history. In the first place, they were the sole repositories of knowledge and religion in those barbarous times, standing like oases in the midst of the desert, green spots of earth environed with desolation and corruption. In the second place, they were sources of moral influence particularly beneficial to the dignity of the female sex; for the inculcation of moral purity among the monastic orders, and the professed and apparent if not real exercise of it, had an astonishing effect upon the imagination and actions of the wild conquerors of Europe. Finally, they were the asylum and refuge of the oppressed, the destitute, the mourner, the thousands left unfriended and unhappy by the violence of the age, or unwilling to dare its dangers. Doubtless, crime and sin made their way into the convents, as into every thing human; but we are slow to believe that corruption ever came to pervade, and permanently qualify, those abodes of the vowed servants of Christ. We do injustice to religion in itself, in supposing there is no truth or reality in the profession of moral rectitude. In fact, a large part of the reproachful matter current on this point comes from the pen of M. de Potter, a systematic and inveterate foe of the very in-

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stitution of Christianity. And his great object in collecting it avowedly was, to serve the cause of irreligion. At any rate, believing or admitting whatever we will of the alleged corruptions of the monastic institution, its beneficial influence on the character and condition of Woman, at the period when European society settled into its present forms, is a demonstrable fact in the history of Christendom.

Christianity, therefore, proved infinitely efficacious in elevating the character and condition of Woman. It began to work out this effect, even amid all the corruption of the declining period of the Roman empire. And its beneficial operation was yet more discernible in the sequel, when it come to coöperate with some remarkable peculiarities in the secular institutions founded by the new masters of Europe. For the barbarians, destructively as they pursued their career of conquest, yet brought along with them the germ of many things, which constitute, with good reason, the boast and pride of modern times. What they did towards the cultivation of Woman, would suffice to recompense humanity for much of the desolation and misery, which, in the long interval between their fierce eruptions from the North, and the renovation of civilized life, they inflicted on the European world.

How it was that the Feudal System acquired possession of Europe, belongs not to the present subject. Suppose it, however, to exist in full vigor; and let us see wherein it affected the condition of Woman.

In comparing the political institutions of ancient and modern Europe with other great subdivisions of the human family, we observe that, in one, an empire is split into fragment-states, or smaller states are united in a single empire, by the transmission of sovereignty through the female sex, in a manner quite peculiar to Christendom. In the republics of Greece and Rome, no such fact occurs. Nor, even in the time of the Cæsars and their successors, do we find any instance of sovereignty and territorial power annexed to females, and transferred from one family to another by marriage. Among the Mahometans, also, territorial sovereignty belongs only to man. True it is, that revenues of particular cities, islands, or provinces are specially appropriated to particular female connexions of the Sultan; but these are held, not in personal sovereignty, transmissible through the form of marriage in succession, but as a temporary appendage merely; just as, under the Persian em-

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pire, one city furnished the head-dress of the queens, another their slippers, and a third their girdle ;* and as the queen-consort in England anciently had queen-gold reserved to her out of the rent of royal domains, for specified objects of apparel and maintenance.† But the conquerors of Europe introduced laws of inheritance, which had the effect either of making a woman a feudal sovereign in her own right, or, at least, the medium of conveying the feudal rights of her deceased father to the person of her husband. Take the feudal law, for instance, as practised in England. For some time after the conquest, dignity and power were annexed to the tenure of lands in the usual condition of feudal service rendered by the holders as liegemen of the king, or vassals of some intermediate chief. He, who held lands of the king, was a baron of parliament, the immediate lord of tenants holding in like manner of him, and the qualified sovereign of the territory constituting his fief or fiefs. Some of these fiefs, or estates with dignity attached, were male fiefs, that is, limited to male heirs of the baron or knight in possession; but others, and those not the least valuable, descended to his heirs generally, females included in default of male heirs. If a baron died, leaving several daughters, either the king selected some one of them, or her husband, to be invested with the feudal dignity ; or it remained in abeyance, or suspent, until by the extinction of other branches, there was but a single male heir entitled by blood. If there was but one daughter, she became at once a baroness in her own right, and her husband was the possessor and administrator of her feudal power during his lifetime, when it descended to her male heirs, with her nobility and rank, so that her hand conferred or transmitted, not wealth only, but territorial sovereignty and political distinction.

In some instances, to be sure, these institutions operated hardly upon the affections of a woman, by restricting her freedom of choice in the bestowment of her hand. An heiress was the ward of her feudal superior; and his interest, as the political chief, was to be consulted in the disposition of her person, because involving that of her estates and vassals. The ancient records of the exchequer, says Edmund Burke,

* Cicero. Orat. in Verrem, L. III, c. 33.
† Blackstone's Commentary, Vol. I, p. 221.

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afford many instances, where some women purchased by heavy fines the privilege of a single life, some the free choice of a husband, others the liberty of rejecting some one particularly disagreeable. And there are not wanting examples, where a woman, having offered a considerable fine to escape marriage with a certain person, the suitor on the other hand has outbid her, and has thus effected his object avowedly against her inclination. Notwithstanding the occurrence of such abuses, the general operation of the feudal law of succession was to augment the importance and respectability of women; for the lord depended very much upon the good will of his vassals; and the particular instances of misrule in question, show that woman had at least a will to be consulted and conciliated. And, if herself a great vassal, she exercised a direct personal power in public affairs, which of necessity made her to be feared and regarded. In England, for instance, abbesses attended parliament in person. Lay peeresses did not appear in person, but they nominated their proxies just like lay peers; and in the parliament of the 31 Edward III, it appears there were ten peeresses, who thus voted by proxy among the great barons. And previous to the passage of the Reform Bill, females, as proprietors of boroughs, could and did in various cases hold and exercise the right of returning members to the House of Commons.

Such was the principle. And to comprehend thoroughly its political operation, let us consider it in the cases of great states, rather than in the obscurer examples of subordinate feudal sovereignties. In France, a peculiar text called the Salic law, whose origin is lost in the darkness of the barbarous ages, excluded the female line from the throne; but in all the other great monarchies of Europe, and even in the feudal subdivisions of France itself, there was no distinction in this respect between the regal and any other dignity. Thus it happened, by the marriage of English princes with French heiresses, that Guienne, Anjou, and other provinces of France, became subject to England. Nay, the English long denied the force of the Salic law itself; in pursuance of which Henry V, like his predecessor, Edward III, invaded France, claiming the crown through a female, in preference to a male heir nearly related to the last monarch; and the kings of England, until near to our own day, continued to style themselves kings of France. Thus, in process of time, some of the large French fiefs be-

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came vested in the crown. Thus Catalonia was united to Aragon, and Aragon to Castile. And thus the grandson of a duke of Austria came to be master of the Netherlands, Bohemia, Hungary, Germany, and Spain. To say nothing of women, who, like Boadicea of ancient Britain, ascended the throne themselves, and either remained unmarried, as Elizabeth Tudor, and Christina of Sweden, or if married, yet retained still the government of their hereditary dominions, as Mary Tudor, and Anne Stuart of England, Mary of Scotland, Isabel of Castile, and Maria Theresa of Hungary; at the present time, Spain and Portugal have youthful queens for their sovereigns, and Great Britain will, in all probability, devolve on a princess likewise, through marriage with whom the crowns of each of those countries may pass into a foreign house; just in the same way that a Bourbon originally acquired Spain, and a Guelph inherited Great Britain.

It requires no extended argument to show the efficacy of such laws in imparting personal respectability to Woman. In the first place, the world saw her actually possessed of power, and invested with all its external insignia, its pomp, and its imposing circumstances. In the second place, she became an object of desire and pursuit to the other sex, not merely because, as in other countries, she might confer wealth in the bestowment of her hand, but because rank, power, and sovereignty itself passed by her to her husband and to her descendants. Proceed we, therefore, to the social state of the Franks and Normans, so as to see what influence that had upon the condition of Woman.

One of the most eminent statesmen and profound scholars of our day, M. Guizot, ascribes much of the importance of Woman in the social relation of modern Christendom to the peculiar mode of life adopted by the northern invaders almost universally, in connexion with, or in consequence of the introduction of the Feudal System. Each baron or landholder established himself in some elevated or otherwise defensible spot, which he fortified, constructing there his feudal castle, where he lived in solitary independence. Who are the inmates of his castle? His wife, his children, his domestics, his military retainers, perhaps a small number of freemen who have no lands themselves, and attach themselves to his fortune. Around the foot of his castle is grouped a little settlement, chiefly composed of serfs, who cultivate his domain, and

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look to the castle and its military occupants for protection in all emergencies of danger. Under such circumstances, the life of each individual of ingenuous condition, except when he was engaged in the chase, or in expeditions of war, was emphatically domestic. In Rome, as in Greece, the life of men was, on the other hand, civic. They dwelt in cities for the most part, repairing to the country only for temporary recreation. The private dwellings even of the wealthy were no wise calculated for what we know as domestic comfort and enjoyment. They had sumptuous dining halls, but none of the commodious apartments for retirement and repose, none of the bright saloons for conversation and domestic association, which belong to modern residences. The social intercourse of men was carried on at the baths, in the forum, and under the basilica, which decorated every considerable town or city. Those of the highest rank in society depended upon the good will and the votes of their fellow-townsmen for every thing which distinguished life, or made it useful and endurable. Hence the great Roman statesman would have his dwelling so constructed that all the citizens of Rome might overlook him in every act and movement of his whole existence. Whereas the baron of the middle ages, living isolated, independent of the world, even at feud with some of his neighbors, had few or no social resources except in the bosom of his own family, or in the midst of little circles of the same description, allied to him by affinity or friendship. It was for these narrow domestic societies of the baronial hall that so many lays of love and *fabliaux* of the wandering minstrels of that period were composed, giving birth to a delightful fireside literature, quite unknown to classical antiquity. In such habitudes of life, there was full scope for the development of that respectful regard for the female sex, which we have seen to exist in the forests of Germany and Scandinavia.

To the dignity and importance of the female sex, as produced by the combination of circumstances which we have described, namely, the influence of Christianity and the old German deference for women, developed in the peculiar social state of the feudal masters of Europe, there came finally to be added the institution of chivalry. This also had its root in the military usages of the ancient Germans; for the investiture of arms, the fondness for single combats, the painting of shields, and the presence of women at martial sports and exercises,

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are as plainly recorded in Tacitus as in Froissart or Saint Palaye. At the present time the mind sees much that is exaggerated and extravagant in the maxims and practices of chivalry. Errant knights, roving over the country slaying monsters, combating giants and enchanters, delivering distressed damsels from the hands of cruel oppressors, and seeking adventures all over the world, are alien to existing manners and the fixed civilization of the day. So also are tournaments, jousts, and the deeds of steel-clad knights deciding battles by their single prowess. Amadis de Gaul would at this time be deemed a worse madman than Don Quixote de la Mancha; and Orlando quite as furious in his soberest moments, as when he split solid rocks in twain with his good sword, for the jealousy of the false traitor Medoro. Civilization has accomplished all this, by substituting the reign of law for that of violence, diffusing knowledge, and infusing in society such notions of right and wrong as do away with the vocation of individual redresses of injured innocence. And the invention of gunpowder, transferring the decision of battles to the organized action of masses, instead of the rash prowess of a few knights armed in proof, and riding down whole battalions of helpless archers or billmen, has operated a similar change in the art of war, making it a game of skill, that is, of intellect rather than of mere physical force. But, in those times, when each one did what seemed good in his own eyes, and when every person of ingenuous birth enjoyed the right of private war, there needed something to modify and check the universal lawlessness of men, and to protect the weak, and especially females from being the victims of perpetual outrage. The evils of the social state, sooner or later work out their own cure. What the world fell upon, as a remedy for the disordered condition of things which we have described, was the institution of chivalry, consisting in the voluntary association of men as knights pledged by promises, and solemn religious sanctions, to do that justice to each other and to society as a point of honor, which the law of the land did not exact, or had no means to enforce. To guard and protect the female sex, in that universal dissolution of society, was the pressing necessity; and it became of course the first point of honor, in the heart of a good knight. He was educated in the baronial hall of his feudal lord; he waited on its mistress as her page; he followed its master in battle as his faithful esquire; in the bower, he ac-

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quired the sentiments and the language of courtesy, gallantry and truth; in the court-yard, he trained himself to the feats of arms; in the field, he emulated the prowess of his lord; and thus he grew up to be at once, a brave soldier and a true gentleman. He learned to vow himself to the cause of his lady-love; he wore her scarf in the tourney; he silently invoked her name as he dashed into the mêlée; and reflectively he respected the whole sex, through his admiration of her whom he followed as the lode-star of his life, and adored as second only to his God. We are not drawing a picture of imaginary scenes proper only to the page of a romance;—it is the reality so beautifully described by Burke; "that generous loyalty to rank and sex, that proud submission, that dignified obedience, that subordination of the heart, which kept alive, even in servitude itself, the spirit of an exalted freedom; that untaught grace of life, that sensibility of principle, that chastity of honor, which felt a stain like a wound, which inspired courage whilst it mitigated ferocity, which ennobled whatever it touched, and under which vice itself lost half its evil by losing all its grossness." It is the reality finely exemplified in the actions of Edward the Black Prince, showing by his whole life, that knighthood was no idle extravagance of the obscure adventurers of the middle ages and the apocryphal romance of Turpin. It is a state of things which actually existed, from the time of Charlemagne, or soon after, down to the time of the settlement of America; for at that late period, all the maxims and sports of chivalry continued in full force. France and Spain were ever the nations where it flourished in the greatest splendor. And in the history of the wars waged in Italy between the Spaniards and French, during the reign of Ferdinand and his grandson Charles, we read continually of jousts, single combats, extravagant gallantry, and all the incidents of the early days of chivalry. Gonzalo de Cordova, commander of the Spanish armies, a wise and shrewd man, as well as a brave one; Francis of France, himself; and Bayard, *Chevalier sans peur et sans reproche*, a great noble and an eminent general officer, not less than a knight; these were at the very head of the order, mirrors of courtesy, gallantry and honor, and superlatively famous as such through all Europe.

Thus have we explained, as briefly as we might, the facts in the history of civilization, which moulded the condition of Woman, and gave to the social relations of the sexes the body

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and general outline, which it wore at the time of the discovery of America. Since that period, the social position of the female sex, which it attained under the continued impulse of Christianity and chivalry, has been modified by two new facts, the progress of intellectual refinement and of the useful arts. Pre-supposing the original causes of Woman's elevation in Christendom to have had the effects ascribed, and then to have given a right impulsion to society, it is obvious that whatever developes mind, and augments its ascendancy in the world, must add to the respectability of Woman, who depends for her social relation upon the moral and intellectual influences she exerts over man. Accordingly, though chivalry has ceased to exist, yet the moral dignity and social equality of the female sex, continue to be distinctive of Christendom. If a woman belong to the industrious walks of life, she has a relative value, enhanced by civilization, in her aptitude for any trade requiring skill, rather than physical strength, for its performance. If placed by fortune in a more elevated condition of society, then she is prompted and encouraged to the acquisition and the display of intellectual qualities, either in the intercourse of society, the duties of family, or the cultivation of science and literature. To appreciate this fact, we have only to compare the intellectual cultivation of celebrated women in our age, with any of the distinguished examples of it recorded in other times and other societies. No case can be found more favorable to the other side of the question, than that of the Romans. Preëminent in classical history is Cornelia the mother of the Gracchi, born of that Cornelian and Æmelian family, which seemed to have a charter of hereditary genius. There was a like succession of distinguished females in the Lælian family, three generations of which are commemorated by Cicero. Another Roman lady, Cœrellia, is famed as having gained the respect and society of Cicero by her talents and knowledge. What monument of either of them remains, to attest their intellectual elevation? — Wherein consisted their intellectual cultivation? — It is evident they were courted and admired, first for their good sense, and then for the grace and elegance of their conversation; but they were not to be compared to any of the great female names of modern letters, as, for instance, the Edgeworths, the Somervilles, the Martineaus, the Hemanses, of our own living vernacular literature. In fact no Roman authoress, deserving the name, is handed down to

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posterity. The younger Pliny dwells applaudingly on the character of his second wife, Calpurnia; and his affectionate account of her conveys, we suppose, the best possible idea of the cultivation of an intellectual Roman wife. "From attachment to me," he says, "she has acquired a love of study. My books she carries with her, reads, learns by heart. What solicitude she testifies when I am about to plead in a cause, what joy when I have done. She has messengers disposed to tell her what assent, what applause I receive; and what is the event of the trial. She sings my verses to her lyre with no other art but love, the best of masters. Wherefore I entertain a confident hope, that our mutual attachment will be perpetual and will grow stronger and stronger with time. For it is not my youth or my person, which fail with age, but my fame, which she loves,"* Interesting as this picture of connubial felicity is, *they are moral not intellectual qualities which Pliny praises,* and that of being an admirer of her husband's writings and talents stands preëminent in the catalogue. What inferior female cultivation does not this bespeak, compared with the times, which produced such women as Vittoria Colonna, Maria de Padilla, Lady Fanshawe, Mrs. Hutchinson, Lady Rachel Russell, Madame Roland, and Madam Larochejaqueline, combining the highest excellence in the relations of wife and mother, and intellectual traits and acquirements infinitely beyond the Cornelias and the Calpurnias, those pattern wives and mothers of ancient Rome.

Before leaving the subject there is one remaining class of considerations, which we cannot well omit to touch. It may seem to be an anamoly of Christian institutions, that while women are admitted by inheritance to the highest of all political stations, *in hereditary monarchies, that of the throne, they* are excluded from equal participation with men in the ordinary political privileges. They do not vote at elections; they do not sit in legislative bodies even where the right of enjoying them is hereditary. Such women as Catherine of Russia, Elizabeth of England, Isabel of Spain, Maria Theresa of Hungary, might justify, it would seem, the imposition of any degree of political responsibility upon the female sex. True, but the only cases which countenance this idea, are of woman exercising inherited sovereign power, in solitary examples, constituting

* Plin. Epist. L. IV. ep. 19.

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exceptions to the usual destiny of the sex, and these exceptions, when analysed, serving to confirm the general rule. They were not thrown into the vulgar strife and competition of honor, which necessarily pervade the ranks of ordinary life. They did not have to run the career of arms as the road to power. And the condition of a great prince in the countries of Christendom is rather that of one representing sovereignty, than of one actually exercising it; since all the labor and responsibility and personal danger devolve on ministers and generals holding the delegated powers of government. Aurelius, it is said, contemplated the establishment of a female senate. Heliogabalus actually did organize one under the presidency of his mother; but Ælius Lanfirdius who tells the tale, says the members chiefly occupied themselves with points of etiquette, of regulation of dress, and other like *feminine mysteries of state*. And whether the story of the Amazons be authentic history, or only a cunningly devised fable, it presents at all events a poor picture of what society would become, if our councils were filled and our armies *manned* with women, and they rather than men, or equally with men, discharged the external and political duties of society; doing so at the sacrifice of all that delicacy and maternal tenderness, which are among the most appropriate and the highest charms of Woman. Hers be the domain of the moral affections, the empire of the heart, the co-equal sovereignty of intellect, taste, and social refinement; leave the rude commerce of camps and the soul-hardening struggles of political power to the harsher spirit of man, that he may still look up to her as a purer and brighter being, an emanation of some better world, irradiating like a rainbow of hope, the stormy elements of life.

ART. IX. — *The Legal Profession in England.*
The Sixth Report of the Common Law Commissioners on the Inns of Court. London. 1834.

THE learned professions have heretofore been very justly held in high estimation in almost every civilized country. They have been regarded as the main pillars of every good government. The services and influence of the members of

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these professions have been deemed of so much consequence in every community, that certain privileges and immunities have often been granted to them in return for certain qualifications required of them; and they have been empaled and protected by the laws to prevent the incalculable mischiefs, which it has been apprehended would inevitably result from a free access and admission of ignorant, base, dishonest, or unworthy men to their ranks. A certain course of education, study, discipline, and probation in science and morals has, from the time of the Roman emperors to the present day, been generally supposed to be essentially necessary for the exercise of these professions, in a manner consistent with the safety and welfare of the public. And we cannot believe that there are many, if there be any, well informed and well intentioned persons, who will dispute the policy of all such restrictive laws and regulations.

There are some, we suppose, who fancy that the state of society, in modern times, has undergone such an entire change, that it is impossible to test the wisdom or utility of any institutions, establishments, laws or regulations, by conclusions drawn from the experience of by-gone ages. Looking with suspicion and distrust upon every thing which has the stamp of antiquity upon it, and guided only by the light of speculative philosophy, we should not much wonder if some of them should even doubt the utility or expediency of the laws and regulations generally adopted in respect to the learned professions, or condemn them as being founded upon too narrow and unfavorable views of human nature, or as obnoxious or unsuitable to the free and equalizing spirit of this enlightened age. We should not think it very inconsistent with their theories, if we should hear such sentiments advanced by some of those whose minds are bewildered with the dreams of human perfectibility, or giddied with extacy in contemplation of the fancied advantages of a universal diffusion of knowledge. Enraptured with the notion that new and extraordinary light has suddenly and marvellously burst in upon this hitherto benighted world; that the "march of intellect" immeasurably surpasses that of all former times,—and that the common sense of the present day soars far above all the erudition of those who have preceded us; some of these speculative philosophers and philanthropists may, for ought we know, be inclined to think that great professional learning, if not objectionable, is of little or no utility, and that, at any rate, public opinion will very well supply the place of tests and probatory and precautionary laws and regulations.

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But there is another much more dangerous class of persons, not so remarkable for their philosophy or philanthropy as for their ambition and selfishness, who, to accomplish their base purposes are constantly flattering the people by pretending, that although wisdom formerly dispensed her favors sparingly among a few choice spirits, she now pours forth her treasures bountifully, gratuitously, and indiscriminately to all orders of men; that the mere glance of intuition of the unlearned at the present day penetrates much farther than the plodding lucubrations of the closet before could possibly reach; that, in fact, knowledge, judgment and skill, which were formerly matured only by a long course of study and practice, now shoot up spontaneously, and arrive at the highest perfection without cultivation; and that the tradesman and the artificer may now grasp at one clutch the utmost extremities of useful science, sound all the depths and mysteries of jurisprudence, physic, and theology, important to be known, and comprehend and discharge with sufficient ability the high and important functions of legislation and government by the force of their native genius, aided only occasionally by such information as they can pick up in the intervals of their daily business, "between the blows of the hammer and the strokes of the saw."

These are popular doctrines, which will of course receive the support of every pettyfogger, quack and sciolist in the community, and which under a popular government like ours, it requires but very little effort to enforce. It is not a matter of surprise, therefore, that the jealous and inquisitorial spirit of the times, awakened by the harangues of these sycophants of the people, should look with a malicious eye upon the pretensions of the learned professions, and doubt, or even more than doubt, the policy or expediency of affording to them any countenance or encouragement. The privileges and immunities which have heretofore been wisely granted to them, may be easily mistaken for odious monopolies; and the restrictions against free admission may as easily be mistaken for encroachments on the rights and liberties of the people.

Having sat down under these circumstances to give our readers some account of the state of the profession of the law in that country from which we have derived the greater part of our jurisprudence, we have more than once stayed our hand in apprehension of the unfavorable reception with w hich such an article

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might probably meet. But as professional qualifications have very recently been the subject of discussion in the legislature of Massachusetts and elsewhere, and as erroneous opinions seem to prevail among the people, particularly in regard to the qualifications necessary for the profession of the law, strengthened perhaps by an imperfect view of the proceedings of the English Parliament in relation to the same subject, we have concluded on the whole, that it is not an unfit time to lay such account before our readers, accompanied with such remarks, as may incidentally occur, relative to the state of the profession elsewhere.

The Report of the Common Law Commissioners, referred to at the head of this article, was made in consequence of certain proceedings upon the motion of one Daniel Whittle Harvey, in the House of Commons, about four years ago, that an address might be presented to his Majesty, praying him to direct the Common Law Commissioners to examine into the course of proceeding before the benchers and visitors of Lincoln's Inn, the Inner Temple, the Middle Temple, and Gray's Inn, upon application of persons seeking to become students thereof, or to be called to the bar, and to report thereon. Mr. Harvey had previously made an unsuccessful motion for leave to bring in a "bill to give power to the Court of King's Bench, in certain cases, to compel the benchers of the four Inns of Court to admit parties as students and also as barristers at law." He had formerly been a solicitor, and had made several attempts without success, to gain admission to practise as a barrister at law. Very serious objections, affecting his private character, were made against his admission to the degree of barrister. The charges made against him, appear to have been confirmed by the court and jury, in several cases, and he was rejected by the unanimous decision of all the benchers; and their decision upon appeal to the twelve judges as visitors was, after hearing Mr. Harvey, and upon his own statement of his case, confirmed. Exasperation against the profession, and a determination, with his influence and that of his friends in the House, which was not inconsiderable, to obtain a rehearing of his case, or at any rate, to bring his case before the House, was, therefore, undoubtedly the cause of these motions. But the report of the Common Law Commissioners was not at all satisfactory to Mr. Harvey and his friends. And, therefore, about two years ago, the subject was again agitated in the House, on the motion

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of Mr. O'Connell, for the appointment of a select committee, to examine and report in like manner as the Common Law Commissioners had been directed to do. Finding, after some discussion, that the House were not disposed to make any further examination into the proceedings and practice of the Inns of Court in general, Mr. O'Connell consented to an amendment of his motion, so that it might relate only to the appointment of a select committee, to examine into Mr. Harvey's own particular case. And the motion so amended prevailed. We are not aware that any further or other proceedings having been recently had in the English Parliament respecting the Inns of Court, or the profession.

The members of the profession of the law in England, as in most European countries, are formed into different and distinct classes, each of which performs a distinct part of the labors of the profession. And for each of these classes a different course of study and education is requisite. In the Courts of Common Law all the subordinate labors of the profession are performed by persons who are denominated attorneys. The attorney acts as a sort of agent of the party, in conducting his law business, and holds all the correspondence with him. He is a middle man between the barrister and the client. He obtains advice for him in cases of doubt, or difficulty, draws contracts and instruments for him in ordinary cases, and causes instruments of conveyance and other instruments, to be drawn for him by conveyancers in difficult cases, and attends the execution of them. He makes his client's demands upon debtors; commences his suits when plaintiff, and enters an appearance for him when defendant; watches the progress of his suits or cases, attends the prosecution or defence of them to final judgment; obtains advice respecting the proceedings when necessary, in every stage of their progress; gives the requisite notices; procures the pleadings to be drawn and motions to be made; collects, arranges and prepares the evidence for the trial; and employs barristers to argue the case to the jury, and when necessary, to the court. His office is highly respectable and often lucrative, but in rank and dignity far below that of the barrister. Labors of a similar kind in the courts of equity are performed by persons denominated solicitors. Formerly, the offices of attorney and solicitor were entirely distinct, but in later times they have been usually discharged by the same person, who is admitted to practice both as at-

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torney and solicitor. The attorney and solicitor in the Courts of Common Law and Equity, answer to the proctor in the Ecclesiastical Courts and Courts of Admiralty, by whom similar labors are performed in those courts.

When it becomes necessary to address the court, to make a motion, or argue upon a question of law or fact in the cause, to the court or jury, if it be in the Courts of Common Law, a barrister or sergeant at law must necessarily be employed for that purpose, and if it be in the Ecclesiastical Courts or Courts of Admiralty, an advocate at Doctors Commons must be employed, who alone are allowed to perform such offices in these courts. The practice of certain of the barristers is generally limited to the courts of common law. Others practise wholly or principally in the Courts of Equity. Of those who generally practise in the common-law courts, some usually attend the Courts of Common Pleas and Exchequer, others more commonly appear in the Court of King's Bench, and many, perhaps rather from necessity than from choice, are most frequently seen in attendance at the Criminal Courts at the Old Bailey and the Courts of Quarter Sessions. Of those who practise chiefly in the Courts of Equity, some attend usually before the Lord Chancellor, others before the Vice Chancellor, others before the Master of the Rolls, and many before the Court of Bankruptcy and the Insolvent Debtor's Court. Barristers who practise in the Courts of Common Law, as well as those who practise in the Courts of Equity, and the advocates at Doctors Commons, argue cases on appeals before the House of Lords. Many barristers too, are in the practice of appearing before committees of the House of Commons, and occasionally in some of the city and county Courts, and before the judges at their chambers as well as before the Sheriff's Jury. And a limited number of the younger barristers commence their professional career in the Court of Marshalsea and Palace Court. But in matters before the Judges at Chambers in ordinary cases, and in the Sheriff's Court, and before the Commissioners of Bankruptcy, and the Court of Requests and in some other of the subordinate courts, the attorneys are allowed to and usually do perform the duties, which are alone performed by barristers in the higher courts. Barristers practising in the Courts of Common Law and advocates at Doctors Commons, are occasionally employed before the Chancellor, in arguing questions relating to the particular branches of law, with which they are,

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from their course of practice, respectively most familiar. Some barristers rarely if ever appear in court, being employed chiefly as special pleaders, or equity draftsmen, in preparing the written pleadings of the litigant parties, or as conveyancers, or chamber counsel.

The right of practising pleading and audiences in the Court of Common Pleas was formerly exercised exclusively by persons holding the highest rank in the profession, and of the degree of the coif or sergeants at law; but by a recent royal warrant barristers have now an equal right and privilege to practise in that court; and the precedence is conferred on the sergeants of law already created. Future sergeants, if any should be created, will take rank next after the king's counsel, or those who have patents of precedence. King's counsel have precedence, according to the dates of their appointment. They answer in one respect to the *advocati fisci* of the Romans, as they cannot, without a licence, be employed against the crown. And barristers having patents of precedence, rank according to the dates of those patents, and those having no patents of precedence, have precedence after the king's counsel, sergeants at law, the queen's attorney, and solicitor general, and the Recorder of London, according to the dates of their call to the bar. Barristers, advocates and sergeants never, on any occasion, have any interviews whatever with their clients. They confer only with the attorney, solicitor, or proctor. No action can be maintained by them for their fees, which are regarded as *quiddam honorarium*. They are employed not for the cause, but for the occasion only; and have no concern with the cause, or the fate of it, beyond the particular occasion for which their services have been engaged. It often happens that the opinion of one or more barristers is obtained respecting the legality of the demand or defence, that another is employed to make the declaration, or draw the answer or plea, that a third is employed to make a motion, that a fourth is employed to argue the case to the jury, and a fifth to argue some question of law or equity to the court. The brief containing an abstract of so much of the case as is important for the occasion, with the fees, is delivered by the attorney at the time of the retainer. England, for the purpose of trials at *nisi prius* is divided into several circuits; two judges attend on each circuit. A certain number of barristers also attend the courts on the different circuits to argue causes at the *nisi prius* sittings

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before the court and jury. And it is a rule well understood and observed, that no barrister can go on more than one circuit unless upon a special retainer. When commencing practice he may go on a particular circuit once or twice to try his luck, and then change that circuit for another. But after this trial, he is not permitted to change his circuit during his practice. After being appointed the king's attorney or solicitor general, he is obliged to give up his practice on the circuit entirely, excepting in cases where he shall have a special retainer. On the circuit the barristers dine together, and none but those who are of the degree of barrister are admitted to the table. The judges, we believe, lodge at a house provided for them exclusively by the county. Judges in all cases in the common law courts, are selected from the sergeants at law, and cannot return to practice at the bar, after having taken a seat upon the bench. The judges, sergeants, barristers and advocates, when in court, wear, by way of distinction, a particular dress. The sergeants, barristers and advocates wear wigs, bands and gowns; and none are allowed to appear in court without these badges of distinction. His majesty's attorney and solicitor general, the sergeants, and king's counsel, and all above the rank of an ordinary barrister, have silk gowns. The sergeants have nothing in their dress to distinguish them from the king's counsel, excepting a black patch of silk on the top of the wig. The judges wear full bottomed wigs and robes of different colors on different days, in term time, and wigs much like those of the sergeants at the sittings at *nisi prius*. Full bottomed wigs are also worn by the barristers, when they appear before the House of Lords. The attorneys, solicitors and proctors, have nothing in their dress to distinguish them from other gentlemen.

In regard to the education requisite to entitle them to practise, that of the attorney and solicitor differs widely from that of the barrister, as that of the proctor does also from that of the advocate. The attorney and solicitor are required to serve a clerkship *bona fide*, under articles of agreement. This service must be during five years, if the candidate have not obtained the honor of Bachelor of Arts or Bachelor of Laws, in the Universities of Oxford, Cambridge or Dublin, but otherwise, three years service will be sufficient, if it be within four years of receiving his degree. The whole of this time must be spent in the office of a practising attorney, excepting the

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last year, which may be spent with a practising barrister, special pleader or conveyancer. The candidate is obliged to give one terms notice of his intended application for admission, and to make affidavit of his service during the time required. Before being sworn and admitted, he is liable to be examined as to his eligibility and capacity by the judge, to whom he makes application, but this is usually dispensed with unless there be opposition. He takes an oath that he will truly and honestly demean himself as an attorney, according to the best of his knowledge and ability; and his name is then enrolled among the attorneys. An attorney who has been sworn, admitted, and enrolled in any of the courts at law at Westminster, may be admitted as a solicitor in any of the Courts of Equity. And on the other hand a solicitor may be admitted as an attorney in the courts of Common Law. Attorneys who act as agents of unqualified persons, or permit such persons to use their names, or are guilty of any gross misconduct, are liable to be struck off from the rolls and debarred from practising. And any unqualified person, who shall act as an attorney is liable to imprisonment not exceeding one year.

As to the education and qualifications requisite in order to be called to the degree of barrister, we cannot state them more concisely than by adopting the language of the common law Commissioners. "The four Inns of Courts, — the Inner Temple, the Middle Temple, Lincoln's Inn, and Gray's Inn, — severally enjoy the privilege of conferring the rank of barrister at law; a rank which constitutes an indispensable qualification for practice in the superior courts. No other means of obtaining that rank exist, but that of becoming enrolled as a student, in one or other of these Inns, and afterward applying to its principal officers or benchers, for a call to the Bar. The origin of this privilege of the Inns of Court appears to be involved in considerable obscurity.

It was observed by Lord Mansfield, in the case of The King v. Gray's Inn, Doug. 354, that the original institution of the Inns of Court no where precisely appears; but it is certain that they are not corporations, and have no charter from the crown. They are voluntary societies, which for ages have submitted to government, analogous to that of other seminaries of learning; but all the power they have concerning the admission to the Bar, is delegated to them from the judges; and in

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every instance their conduct is subject to the control of the judges as visitors.

In support of these positions, various passages are cited from Dugdale's Origines Juridicales, which clearly shew that, in former times, the judges and the benchers made regulations to be observed by the Inns of Courts, not only respecting the admission to the Bar, but generally regarding the conduct of the members of the Inn, and the admission of students.

Many instances will be found in the appendix, of such orders, sometimes made by advice of the privy council and judges only, and sometimes by the benchers, by advice and direction of the judges, and proceeding from the king's suggestion.

There does not appear to be an instance in modern times in which the judges have interfered with the internal regulations of the different societies, though there are several in which they have acted as visitors, upon appeals to them from decisions of the benchers respecting calls to the Bar.

In the late case of Mr. Wooler, reported as the case of The King v. The Benchers of Lincoln's Inn, 4 B. & C. 855, it was held that the judges had no power, as visitors, to interfere with the regulations of the Inns of Courts respecting the admission of students; and also that the Court of King's Bench could not, in such case, interfere by mandamus. It was observed by Mr. Justice Littledale, "that the court was called upon to control the society in the admission of their members; but that, as far as the admission of members is concerned, those are voluntary societies, not submitting to any government. They may in their discretion admit or not, as they please; and the Court of King's Bench has no power to compel them to admit any individual." He added, that "the interference of the judges at the instance of those members of the societies whom the benchers had refused to call to the Bar, was perfectly right; because a member, who had been suffered to incur expense, with a view to being called to the Bar, thereby acquires an inchoate right to be called; and if the benchers refuse to call him, they ought to assign a reason for so doing; and if there be no reason, or an insufficient one, then the member who has acquired such inchoate right is entitled to have that right perfected.

With respect to the regulations and practice now in force in the different Inns of Courts, relative to the subjects referred to us under the present inquiry, we find them to be as follows.

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1st. As to the admission of students.

The following rules appear to have been adopted by all the four societies.

Before any person can be admitted a member, he must furnish a statement in writing, describing his age, residence, and condition in life, and comprising a certificate of his respectability and fitness to be admitted, which must be signed by the party, and a bencher of the society, or two barristers.

No person is admitted without the approbation of a bencher, or of the benchers in council assembled.

The applications must, before he can enter into Commons, (and in some societies on admission,) sign a bond with surety conditioned to pay the dues. Every person applying to be admitted a member of any of the Inns must sign a declaration that he is desirous of being admitted for the purpose of being called to the Bar, and it is required by all the societies that he shall not, without the special permission of the society, take out any certificate as a special pleader, conveyancer, &c. under 44 G. III. 98, and such permission is not granted until the applicant has kept such commons as are necessary to qualify him to be called to the Bar, and it is given for one year only at a time.

Besides these regulations, we are informed, that at the Inner Temple, and at Gray's Inn, no person is admissible while engaged in trade. It has also been a rule at the Inner Temple, since the year 1829, that no person shall be admitted without a previous examination, by a barrister appointed by the bench for that purpose, in classical attainments and the general subjects of a liberal education. Such examination is to include the Greek and Latin languages, or one of them, and such subjects of history and general literature as the examiners may think suited to the age of the applicant.

2d. As to the call to the Bar.

The following regulations appear to be in force in all the societies. No person in priest's or deacon's orders can be called to the Bar. No person can be called to the Bar while he is on the roll of attorneys, solicitors, or proctors. Before a person can be called to the Bar, he must keep commons for three years, that is, twelve terms, by dining in the hall at least three times in each term. He must have been a member of the Inn for five years, unless he has taken the degree of Master of Arts, or Bachelor of Law at the Universities of Oxford,

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Cambridge, or Dublin, or at Lincoln's Inn, is a member of the Faculty of Advocates in Scotland, in which case he may be called after he has been a member of the Inn for three years; but this exception does not extend to honorary degrees.

A student, previously to his keeping any of the terms requisite for his call, must deposite with the treasurer of the society one hundred pounds, to be returned without interest, on his being called to the Bar; or in case of death, to his personal representatives; but this rule does not apply to any person who shall produce a certificate of his having kept two years terms in any of the Universities of Oxford, Cambridge, or Dublin, or at Lincoln's Inn, of his being a member of the Faculty of Advocates in Scotland. No person can be called to the Bar until he is twenty-one years of age. The call to the Bar is by an act of the benchers in council or parliament, &c. assembled. The name and description of every candidate for being called to the Bar, must be hung up in the hall a fortnight before he is to be called; any person applying to be called to the Bar must make application to a master of the bench to move for the same. And the list of applicants to be called to the Bar at any society, is always transmitted, before the call takes place, to the other societies.

At the Inner Temple, Middle Temple and Lincoln's Inn, no attorney, solicitor, or proctor, can be admitted to commons for the purpose of being called to the Bar, until his name shall have been struck off the roll.

In Lincoln's Inn, a person wishing to be called to the Bar must read his exercise at the Bar table, and the barristers at that table have a power of rejection, subject to an appeal to the benchers. If not rejected by the Bar table, it is still necessary that he should be approved by the bench.

At Lincoln's Inn, it is a rule that no person in trade is permitted to do exercises, to enable him to be called to the Bar; and there is the same prohibition as to any person who has been in the situation of clerk to a barrister, conveyancer, special pleader, or chancery draftsman, and has done the offices and received the perquisites of such clerk.

3d. As to the case of rejection upon an application to be admitted student, or to be called to the Bar.

The general state of practice in all the societies appears to be as follows:

If a person be refused admission as a student by any of the

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societies, he has no means, either by appeal to the judges or otherwise, of bringing under revision the propriety of the rejection; [so decided in the case of The King v. Lincoln's Inn, before referred to, which is in accordance with the state of the practice]; and a certificate of the rejection is transmitted to all the other societies.

When any of the societies refuse to call a person to the Bar, the benchers will hear him personally or by counsel, and allow him to give evidence to rebut the charges made against him; and if he be dissatisfied with their decision, he may appeal to the judges. On such appeal, the benchers send to the judges a certificate stating the reasons of their refusal to call such person to the Bar."

The education of those who intend to practice in the ecclesiastical courts and courts of admiralty, is quite different from that requisite for the attorney, solicitor or barrister.

In order to entitle a person to be admitted as a proctor, it is required that he shall have served a clerkship of seven years under articles with one of the senior proctors, who must be at least of five years standing. And before he is permitted to be articled, he must produce a certificate of his having made reasonable progress in classical education. When the term of seven years is completed the party is admitted a notary by a faculty from the archbishop of Canterbury. A petition is then presented to his Grace signed by three advocates and three proctors, that the party applying to be admitted has served as articled clerk to a proctor of the court for the full term of seven years. If this certificate be approved, the archbishop issues his *Fiat;* and a commission is directed to the Dean of the Arches, by whom the party is admitted under the title of a supernumerary with ceremonies similar to those observed on the admission of an advocate.

No person can be admitted to practice as an advocate in the courts of admiralty or ecclesiastical courts, who has not taken the degree of doctor of laws at one of the English universities. This we believe requires at least three years study of the civil and canon law. A candidate for admission as an advocate is required to deliver into the office of the Vicar General of the Province of Canterbury a certificate of his having taken the degree of doctor of laws, signed by the registrar of the university to which he belongs. A petition, praying that, in consideration of such qualifications the candi-

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date may be admitted, is presented to the Archbishop, who issues his *Fiat* for the admission of the applicant directed to the Vicar General, who thereupon issues a rescript or commission to be prepared, and addressed to the Dean of the Arches, empowering and requiring him to admit the candidate as an advocate of that court. To this a proviso is always added that the person to be admitted shall not practice for one whole year from the date of this commission, in order that by attending during that interval he may acquire a competent knowledge of the forms of proceeding in these courts. The candidate is introduced by two advocates, and presented to the Dean of the Arches, who, after the archbishop's rescript is read and the candidate has taken the oaths, admits him as an advocate of the court. The advocate is afterwards admitted in a similar manner in the Court of Admiralty.

Having spoken of the Inns of Court and of Doctors Commons, it may perhaps, as a matter of curiosity, be interesting to our readers to give a succinct account of them. The buildings called Doctors' Commons are near to St. Paul's Cathedral in the city of London. The ecclesiastical laws, as now existing, have been for upwards of three centuries administered in the principal courts, by the body of men before referred to, as a distinct profession for the practice of the civil and canon laws; some of the members of which body, in the year 1567, purchased the site on which Doctors Commons now stands, for the residence of the judges and advocates, and proper buildings for holding the ecclesiastical and admiralty courts, where they have ever since continued to be held. In the year 1768, a royal charter was obtained, by virtue of which the then members of the society and their successors were incorporated under the name and title of "The College of Doctors of Law exercent in the Ecclesiastical and Admiralty Courts." This college consists of a president (the Dean of the Arches for the time being) and those doctors of law, who, having regularly taken that degree in either of the Universities of Oxford or Cambridge, and having been admitted advocates in pursuance of the rescript of the Archbishop of Canterbury, shall have been elected fellows of the colleges in the manner prescribed by the charter. The judges, advocates and proctors have their offices of business and places of residence at Doctors Commons.

As to the Inns of Court they are of so very great antiquity

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that their origin is now involved in some doubt. It has been generally supposed that they originated in a struggle between the church, governed by and cultivating the study of the civil and canon law, and the nobility, gentry, and others, anxious to maintain and cultivate the profession of the English common law. When the Court of Common Pleas, the only court at that time having jurisdiction in civil cases, was, by *Magna Charta*, established permanently at Westminster, it is supposed, that many lawyers theretofore dispersed in various parts of the country, began to have fixed residences near this court; and that about this time the professors of the common law being excluded from the universities, for the purpose of establishing the study of the common law without the aid of the church, formed themselves into voluntary societies and a collegiate order, and established a sort of university of their own, which at different times was favored with the countenance and support of the crown.

There are at present, four Inns of Court, the names of which have before been mentioned; and several Inns of Chancery, belonging respectively to these Inns of Court. The former are occupied by barristers and students, and the latter by attorneys, solicitors and their clerks. Fortescue, speaking of these Inns in his time, says that the laws of England being learned and practised in three different languages, namely, English, Norman French, and Latin, could not be so well studied in the universities where Latin was mostly in use; but were studied in a public manner and place, much more commodious and proper for the purpose, than in any university; that the situation of the place was between London and Westminster, and not in the heart of the city itself, where the great confluence and multitude of the inhabitants might disturb them in their studies, but in a private place, separate and distinct by itself in the suburbs, nearer to the courts of justice, that the students at their leisure, might daily and duly attend with the greatest ease and convenience. The Inns of Court, although they remain in the same place as in the days of Fortescue, are now in the midst of the business and bustle of the town. Fortescue says, that the students in the Inns of Chancery, of which Inns, there were ten or more in his time, were young men, who studied there the first principles of the law; and that after having made some progress there, and being more advanced in years, they were admitted into the Inns of Court. In

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these greater Inns, he says a student could not well be maintained under eighty scuta, (a very large sum in those days), and if he had a servant to wait upon him, as for the most part they had, the expense was proportionably more, and that for that reason, the students were sons of persons of quality; those of an inferior rank not being able to bear the expense of maintaining and educating their children in that way. As to the merchants, he says they seldom cared to lessen their stock in trade by being at such large yearly expenses. So that there was scarcely to be found throughout the kingdom, an eminent lawyer, who was not a gentleman by birth and fortune, and consequently, they had a greater regard for their character and honor than those who were bred in another way. There was in the Inns of Court and Inns of Chancery, a sort of academy or gymnasium, fit for persons of their station, where they learned singing and all kinds of music, dancing and such other accomplishments and diversions, as were suitable to their quality and usually practised at court. At other times, out of term, the greater part applied themselves to the study of the law. Upon festival days, and after the offices of the church were over, they employed themselves in the study of sacred and profane history. There, says our author, every thing good and virtuous was to be learned, and all vice was discouraged and banished; so that knights, barons and the greatest nobility of the kingdom, often placed their children in those Inns of Court, not so much to make the law their study, much less to live by the profession, (having large patrimonies of their own,) as to form their manners and to preserve them from the contagion of vice.

These Inns for a long time after the days of Fortescue bore a very strong resemblance to universities. They conferred their degrees of apprentice, or barrister and sergeant at law, answering to the degrees of Bachelor and Doctor of Law conferred in the universities. There were lectures or readings which the students attended. Prayers were daily read in the chapels belonging to the Inns. Questions were daily mooted. The students constantly lodged there, and dined and supped in the halls of the Inns in vacation, as well as in term time. The Inns were impaled and the gates were closed at a certain hour in the evening, and opened at a certain hour in the morning, in like manner as at the universities. Each Inn had rules and regulations regarding the conduct of the students

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much like those at the universities. And the members were accountable to the heads of their Inns for their conduct, with as much strictness as the students at Oxford or Cambridge are now.

Lord Coke says, speaking in reference to his time, "As there be in the Universities of Cambridge and Oxford divers degrees of general sophisters, bachelors, masters, doctors, of whom be chosen men for eminent and judicial places both in the Church and Ecclesiastical Courts, so in the profession of the law, there are mootmen, which are those that argue readers' cases in Houses of Chancery, both in terms and grand vacation. Of mootmen, after eight years study or thereabouts are chosen utterbarristers. Of these are chosen readers in Inns of Chancery. Of utterbarristers, after they have been of that degree twelve years at least, are chosen benchers or ancients; of which one that is of the puisne sort reads yearly in the summer vacation, and is called a single reader, and one of the ancients that had formerly read, reads in Lent vacation, and is called a double reader, and commonly it is between his first and second reading, about nine or ten years. And out of these the king makes choice of his attorney and solicitor general, his attorney of the court of wards and liveries, and attorney of the duchy, and of these readers are sergeants elected by the king, and are by the king's court called *ad statum et gradum servientis ad legem;* and out of these the king electeth one two or three as please him, to be *his* sergeants, which are called king's sergeants. Of sergeants are by the king also constituted the honorable and reverend judges and sages of the law. For the young student, which most commonly cometh from one of the universities for his entrance or beginning, were first instituted and erected eight houses of Chancery to learn there the elements of the law, that is to say, Clifford's Inn, Lyon's Inn, Clement's Inn, Barnard's Inn, Staple's Inn, Furmival's Inn, Thavie's Inn, and New Inn, and each of these houses consist of forty, or thereabouts. For the readers, utterbarristers, mootmen, and inferior students, are four famous and renowned colleges, or houses of court, called the Inner Temple, to which the first three houses of chancery appertain, Gray's Inn, to which the next two belong, Lincoln's Inn, which enjoyeth the last two but one, the Middle Temple which hath only the last. Each of the houses of Court consists of readers above twenty, of utterbarristers about thrice

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so many, of young gentlemen about the number of eight or nine score, who there spend their time in study of law, and in commendable exercises fit for gentlemen. The judges of the law and sergeants being commonly above the number of twenty, are equally distinguished into two higher and more eminent houses called Sergeant's Inn. All these are not far distant from one another and altogether do make the most famous university for profession of law only that is in the world, and advanceth itself above all others, *quantum inter viberna cupressus.*"

It would seem, notwithstanding the magniloquence of Lord Coke, that the study of the law in these Inns had, even in his time, in some degree degenerated since the days of Fortescue. Two of the Inns of Chancery certainly, if no more, had become extinct, and in each of those remaining there were only about forty students, whereas, in Fortescue's time there were in each at least one hundred. And in comparing the ancient lectures, or readings, with those in his day, Lord Coke in another place says "now readings having lost their former qualities, have lost also their former authorities; for now the cases are long, obscure and intricate, full of new conceits like rather to riddles than lectures, which, when they are opened, vanish away like smoke, and the readers are like lapwings who seem to be nearer their nests when they are farthest from them." The diminution of the number of students may probably have been occasioned by the circumstance that the sons of the nobility, not particularly destined for the profession of the law, did not resort there in so great numbers as formerly for the purpose of completing their education. The Inns were still, however, even at this time, the residence of some of the sons of the nobility, and men of family and fortune; and being intended, as the order of the readers and benchers declares, "chiefly for the profession of the law, and in a second degree for the education of the sons and youth of riper years of the nobility and gentry of the realm," it is but reasonable to suppose that lighter and more attractive studies and pursuits, and "commendable exercises fit for gentlemen," as Lord Coke denominates them, often took the place of the dry and less inviting learning of the law. Sir Christopher Hatton first gained the favor of royalty by appearing in a mask made by lawyers; even Saunders excelled on the harpsichord; Lord-keeper Guilford, besides being skilled in the modern languages and painting, was

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a scientific and practical musician, and composed pieces of music after he was honored with a seat on the bench; Sir John Davis wrote a poem in lyric verse, on the antiquity and excellence of dancing; and Lord Bacon composed an essay on the subject of masks. Many curious and amusing details are given by ancient writers of the customs and usages of these Inns in former times. They had their revels, their romantic festivals, their grand christmassings, their masquerades, their banqueting nights, their splendid pageants, and their pastimes and amusements of various kinds, in which the judges, sergeants at law and barristers often participated. "They sang, they danced, they made merry, and on their days of license their 'lords of misrule,' 'jack straws,' and 'kings of the cockneys' made their halls ring with festivity."

But the times have undergone a great change, and the course of education has changed with them. Few only of the ancient customs or ceremonies remain. Their feastings on grand occasions, their splendid pageants, their former pastimes and amusements, have long since been discontinued, and are known only to the antiquarian. Their readings, mootings, lecturings and other like exercises, have shared the same fate. Residence is no longer required, and consequently prayers are no longer daily read in the chapels; dining in the halls in vacation and supping has ceased; and scarcely any thing remains but what is alluded to in that part of the report of the common law commissioners which we have already quoted. But the rank and character which the profession of the law sustains in the community, has not perhaps been very materially affected by these changes. It has still enrolled among its members, some of the younger branches of the nobility, and scions of the most distinguished families in the country, although it is principally composed of the upper ranks of the middle classes, and has nevertheless many among its members who have by force of their talent and industry, struggled up from the lower classes in society. A barrister is still considered as a fit companion for the greatest nobleman in the realm, and those who have been members of the profession, are usually among the most distinguished in both Houses of Parliament and of his majesty's counsel.

In term time the benchers, barristers, and students, still continue to dine in the halls of the respective Inns of Court. They are not allowed to appear on these occasions without their

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gowns. The halls are much like those in the colleges at the universities of Oxford and Cambridge. The arms of their treasurer, are painted on the windows, and portraits of their distinguished men are hung upon the walls. The barristers and students sit at the tables running along lengthwise of the hall ; and the benchers sit at an elevated cross table at the upper end of the hall. The names of those dining in the hall are taken down by the steward every day during term in a book kept for the purpose. No one who dines in the hall can leave till grace has been said after dinner. The fare of the benchers is more sumptuous than that of the barristers and students. After dinner the benchers retire to their private room to drink their wine and partake of the desert provided for them, in like manner as do the masters and fellows in the colleges at the universities. Here the candidates for admission to the degree of barrister are introduced in gowns and with bands, on the occasion of being called to the Bar. The ceremony is as follows. The customary oaths are taken, after which one of the benchers declares to the candidates, that the benchers have determined to call them to the Bar and congratulates them on the occasion, and usually drinks their health for which they return thanks and then retire. They take the same oaths again at Westminster Hall, and therereupon are admitted to practice. The number of the benchers is limited and vacancies are from time to time supplied by election made by themselves. King's counsel, however, become *virtute officii* benchers of the Inn to which they belong. In regard to the practice of dining in the halls in term time, so far as it regards students, the common law commissioners say, "We conceive that that part of the present system of all the societies, by which students in whatever part of the kingdom they may be resident, are required to dine in the common hall, a few days in the course of every term, is founded on just views and attended with beneficial effects. Amongst these may be noticed that of its making known the person of the student and exposing him, if his character be disreputable, to more easy detection by the society before the period of his application to be called to the Bar. It also gives an opportunity of attending the courts, and associating with students and other members of the profession."

The chambers in the Inns of Court, we believe, are let, either from year to year, or for three lives ; and each of the Inns of Court has a very large annual income arising from the rents of

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its estates and otherwise. The income of the Inns has been estimated, but with what accuracy we know not, at sixty thousand pounds sterling. Many complaints have been made recently and since the attention of the public has been particularly called to the subject, not only that this income is not so well employed as it is imagined that it might be, but that many of the rules and regulations of these societies relative to the admission and education of students and barristers, are not such as ought to regulate the education and admission to a profession occupying a most prominent and important rank in the civil institutions of the country.

Some of these are noticed by the common law commissioners as being in their opinion objectionable. And in their report they recommend that either by act of Parliament, or by authority of his Majesty in Council, the societies be enjoined to allow, and the judges of the courts at Westminster to receive, an appeal from any act of the benchers of any of the Inns of Court rejecting an application for admission into their society; and that it should be established by way of positive regulation that in all cases where an application is rejected, whether it relates to admission as a student, or to the call to the Bar, the party applying shall have notice in writing of the cause of rejection, — shall be allowed to clear himself from any charge of misconduct which it may involve, and for that purpose shall be at liberty to make his defence either in person or by counsel, and to produce evidence, and that a full report of the whole evidence and other proceedings before the benchers, shall in the event of an appeal, be laid before the judges. They further recommend, that it should be ordained that no general rules, or orders in future to be made by any of the societies on the subject of admission of students, or call to the Bar shall be of any force until they shall have been laid before all the judges of the superior courts at Westminster, to be assembled for this purpose, and approved and subscribed by such judges, or eight or more of them, which they remark would be a partial return to the ancient practice. They also express an opinion that the rule requiring special pleaders and conveyancers to obtain a license from the societies to practice is objectionable. They propose that the certificate of two graduated members of any of the universities, or of two respectable householders, should suffice instead of the recommendation of one bencher or two barristers, when candidates are proposed for admission to the societies; and that in all the Inns of Courts the power of admit-

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ting or rejecting an applicant for call to the Bar should in future be vested in the benchers only. With respect to the existing rules of the Inns of Court subject to these exceptions, the commissioners report that they appear to them to be free from objections.

Notwithstanding the apparently objectionable features of the rules and regulations of these Inns of Court, so far as they relate merely to the admission of students, or to the calling them to the Bar, yet such is the character of the body invested with discretion in this regard, namely, the benchers, who are men at the head of their profession, and most of them far advanced in years, and such of course has been the manner in which this discretion has been exercised, that, from the earliest times, there have been very few cases of complaint, and even in those, from the best accounts we have of them, there is hardly room for a doubt of the correctness of the decision of the benchers.

Mr. Harvey and Mr. O'Connell, on the occasion of the motions before referred to, boldly contended, in the House of Commons, that no serious evil was to be apprehended from opening wide the portals to the profession, and admitting all persons of whatsoever character or pretensions, to practice; and that public opinion would put each person on his proper footing, and deal out rewards and punishments to each practitioner according to his merits. And we have recently heard the echo of the speeches of these champions of equalization in our own legislature. But for our own part, we have much more confidence in the dictates of past experience than in the visionary, or indeed worse than visionary schemes, of these noisy declaimers, however specious they may perhaps to some at first view appear. We are not among those who believe in the absolute infallibility of public opinion. The remarks of a writer in the Law Magazine upon this subject are so apposite that we cannot refrain from quoting them. "Most people," says this writer, "understand the value of fearless advocacy in times of trouble, nor can they well avoid seeing the importance of learned, enlightened, high-toned, and pure-minded judges, who must all be furnished from the Bar. But few can, or will see the injurious change that would be effected in the administration of justice, and even in the most intimate relations of society, by the indiscriminate introduction of rogues and swindlers into the profession (or which comes nearly to the same thing,) by

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establishing it as a principle, that bad character shall not operate as a disqualification. It is, however, an undoubted truth, that litigiousness, and chicanery have been found increasing and decreasing in all countries in exact proportion to the elevation or degradation of lawyers as a class; and that civil litigation is always at its height, where the profession has ceased to be considered an honorable one. There is another way of looking at this subject, which may level it to the apprehension of ordinary minds. The present mode of conducting the business of the courts depends altogether upon confidence. The Bar confide in one another. And the bench confide in the bar. When, for instance, the counsel state that such or such is the purport of an affidavit, or other paper, the judges act on the statement, and dispense with the regular reading of the documents. Again, mutual good opinion amongst counsel leads to admissions, waivers of strict form, and equitable arrangements which benefit the suitor, at the same time that they greatly lighten the business of the courts." So another English writer upon this subject remarks, that it had been contended that the profession of the law ought to be open to every one who chooses to enter; that no testimonial of fitness or respectability should be required, that let a man be ever so immoral, ever so covered with crime, still this should not affect his competency to be called to the Bar. "They would have the English Bar," he observes, "like Noah's Ark, full of clean beasts, and of beasts that are not clean and of every thing that creepeth upon the earth. But what," he asks, "would be the necessary consequence of this indiscriminate admission to the bar? Assuredly it would inevitably sink the profession into the lowest depths of degradation. As a body it would no longer command respect, for it would cease to be respectable. We judge of a whole by its parts. If the members are corrupt, the body is corrupt. Admit the 'unclean' and you exclude the 'clean.' They cannot co-exist in the same place. To associate them in the ark required a miracle. Their principles are so repugnant that in whatever definite proportions they may be mixed, they repel each other. No sophistry, not even the quack alchemy of Mr. O'Connell, which transmutes his patriotism into gold, can hold them together in solution, — one must precipitate. Deeply as we should deplore this degradation of the bar, much as we should lament, that a body once the ornament of the country should become its shame, yet this would be

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but a small matter compared with its evil influence upon the most sacred of all institutions, the administration of justice. If we degrade the Bar, we shall look in vain for dignity, learning, and integrity upon the bench. The stability of our institutions would be shaken, all confidence in government would be destroyed. Men who have any stake in the country would no longer consider it safe. A spirit of distrust would animate every breast, preside over every council, direct every action. Despairing of justice each man's will would be his own law."

These sentiments are not peculiar to us, or to the English Bar. Professor Bellot, a learned advocate of the bar of Geneva, in a Report made May 26th, 1834, to the Representative Council, in behalf of the commissioners appointed to examine the project of a law concerning advocates, proctors and officers of the courts, advances, in somewhat different language, the same opinion. "The parties," says the learned professor, "have need of counsel, of guides, of defenders, whose duty it shall be to examine and appreciate their claims and their rights; if they find them well founded, to institute the proper form of process, to assist in obtaining and producing the proofs, to reduce to writing and develop orally the facts of the cause, and the points of law which it presents, and, judgment once rendered, to direct, if it be favorable to him, in executing it, and if it is the contrary, the recourse which the law affords to him. This task requires of him who undertakes it, a profound knowledge of the laws and of legal forms of proceeding, the art of writing with precision and clearness, the talent of speaking, independence of character, a conscientious zeal and a rectitude of heart, which will repulse bad faith, and disdain all those artifices calculated to mislead the judges and obscure the truth. In every state of society, when the practice, without limit, is left to ignorance, inexperience and bad faith, grievous consequences ensue. The laws lend their aid and prevent these dangers, by the guaranties which they exact from those who exercise this profession. So in the art of healing, the laws have regulated the studies, examinations and proofs which those who would practise must furnish and undergo. They have reserved the practice exclusively to those only who have given these guaranties. They have ranked in the number of offences, the secret and unlicensed practice of this art. The consequences of ignorance and incapacity in an advocate and proctor may differ in their

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nature and degree from the same deficiencies in a physician, but they are always not less important. If, in the hands of one, our health and life may be compromised; in the hands of the other our property, our condition in life, our honor, more dear than life, may be sacrificed. The legislature, therefore, ought to afford protection, by requiring similar guaranties from both. It is moreover, beyond the capacity and power of the majority of clients, or patients, to appreciate the merits and qualifications, either of the lawyer or the physician. The public character with which they are invested, is most frequently the cause of all their confidence and security."

The remarks of these writers are not speculative; they are verified by history and experience. In France, at the time of the revolution, it is well known that the order of advocates and proctors was abolished, and the bar was thrown open to all who might chose to practice in the courts. The consequence was just what might have been expected. Speaking of the evils and mischiefs arising from the abolition of the office of proctor (attorney) at this time, a French writer says, "The parties, although there no longer existed any regular proceedings, finding that they could not defend themselves, were obliged to abandon their controversies in law to agents having no legal office or character, who abused their confidence with so much the more impunity, as they had nothing to fear from those laws, which at all times existed to punish the misconduct of proctors and attorneys. Mr. Emery in exposing the reasons of the law, 27 ventose, 8 year, which established again avoues, said, that in so doing they only yielded to the opinion of every body who knew anything of legal proceedings, which could not be regular without this class of professional men; it was the only way to prevent immense abuses, and, which would surprise only those who were inexperienced in the matter, would diminish greatly the expenses of suitors. In a fit of delirium of fancied perfection, attorneys and all formal legal proceedings were abolished, because the ignorant and idle were always tributary to the industrious and learned. The attorneys did not lose their employment, but their legal character only. And having no longer any regular fees in the courts of justice, they made arbitrary exactions even before undertaking the business, much larger than they would have obtained by the regular proceedings, which had been abolished. Never was justice more dear. Much greater was

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the inconvenience when the parties confided in those who had never exercised the functions of proctor or attorney; a confidence too often abused by intrigue and avidity." So the learned professor Bellot, in the name of the commissioners, whose report we have before mentioned, speaking of the abolition of the order of advocates before mentioned, and the free admission and license of all persons of every condition in life to practice in the courts, says, "The experiment was made in France and Geneva from 1795 to 1800, and was far from producing a favorable result. The bar was overrun by practitioners without instruction and without shame, free from all restraint and from all responsibility, practising cruelty and calculating upon misfortune; there never was exhibited in the same degree as in these years of sad remembrance, a spectacle more deplorable, of more crying excess of cupidity and of fraud."

So in Scotland, it seems that originally no specific qualifications were required, but the judges admitted whom they thought fit, and that in consequence of the admission of persons without fit qualifications to practice, the order of advocates fell into great disrepute and serious evils ensued. In the articles proposed by the order of advocates, relating to admission to practice, 17th of November, 1610, and approved by the court, for the correction of abuses, they, in the quaint language of the day, declare that "they lament the contempt into which their calling of advocation, which was once honorable, was brought; and amongst other causes thereof, they find the neglect of a just trial, which is requisite in the most mechanic callings, is the principal; the omission whereof has produced in a short time, an evil which is almost incurable, in such sort, that the name and estimation of an advocate has become vile, and has left the former beauty; and that not without some imputation to the honorable seat of the college of justice in which they serve."

The qualifications required in all civilized countries, from time immemorial, for the exercise of this profession, undoubtedly in consequence of having previously experienced serious evils for the want of them, furnish convincing proof of the utility and necessity of restrictions and regulations to prevent a free admission of all persons, whatever may be their condition or qualifications indiscriminately, to conduct the suits and plead the causes of others in the courts of justice. To maintain the dignity of the profession and guard the rights and

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interests of the public, it was thought necessary by the Romans long before, and in the time of Justinian, to require, after a preparatory education, the period of five years to be spent by the candidate for admission to the bar, in the study of the law, under the instruction of the eminent professors of that age, in the schools at Rome, Constantinople, or Berytus. And no person was admitted to the order, and enrolled on the list of advocates in any of the *forums*, without having been found on examination to be qualified according to law for the important trust. And not only a competent knowledge of the law, but a most unblemished character was a necessary and essential qualification. All persons convicted of deceit, fraud or breach of trust, or of any offence in the Roman law, denominated infamous, which seems to have included among others, all who had been found guilty, on accusation, of calumny or prevarication, or wilful wrongs, and all dancers and declaimers on the stages, or before the public, were debarred from exercising the profession of advocate or proctor. Both proctors and advocates were forbidden to contract or bargain, pending the cause in which they were engaged, with their clients, for their rights or for any part of the matter in controversy, or make any pact or agreement with him, on pain of being forever afterwards debarred from practice. Every advocate took an oath in each cause, that he would, with all his ability and knowledge, obtain for his client what he should believe to be just and true, that he did not know the cause to be unjust or wholly desperate, or founded on false allegations, and that if in the course of the cause, he should find it to be so, he would abandon it. They were required to confine their pleadings to the exigencies of the case, and not unnecessarily to slander any one, or cavil, or be guilty of any falsity in their pleadings, and were forbidden, on pain of being struck from the list of advocates, to take extravagant fees of their clients. The greater part of these regulations relating to the profession in the time of the Romans, are in substance, incorporated into the ordinances concerning the same subject, in most of the nations of modern Europe. In Spain, the candidate for admission to the Bar as an advocate, must have obtained the degree of bachelor in the liberal arts and sciences, and must have afterwards passed four years in the study of the civil and canon law, and three years more in the office of a practising advocate, in the academies, or two years as assistant in practice in the universi-

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ties; after all which, he must undergo one or two examinations, whereupon if he is found fit, he is admitted to be enrolled on the list of advocates. The rules regulating their practice, are substantially the same of those abovementioned in the Roman law. In Tuscany, the candidate for admission to the college of advocates, after an academical education, must have obtained a degree of doctor of laws, in some of the recognised universities, and have practised four years as an assistant to some justice or advocate at Florence, and afterwards must have passed with approbation an examination by the Royal Council, after which his name may be entered on the roll of advocates. The same qualifications in respect to education, and an apprenticeship of three years with some practising advocate, and a certificate of good morals, are required for admission to this degree, in the profession at Rome. And we believe that the qualifications required in other parts of modern Italy, are not very different from those of Tuscany or Rome. In the different parts of Germany, different qualifications are required, generally a preparatory course of study in the liberal arts and sciences, and three or four years study of the law and attendance on lectures in the universities, are requisite for the exercise of the office of an advocate. After this, the candidate must undergo two or three examinations, and practise two or three years in court, as assistant to the scribe, or to the judge; and must also, we believe, pass a certain period of time in the office of an advocate; after all which, he may be licensed to practice by the government. We must, however, except the Rhenish provinces, where the French system, we believe, is in force. In order to become an advocate in France, it is necesrary to obtain the degree of licentiate in law, which is only to be obtained by three years study, and after undergoing four examinations, and maintaining a thesis. And after taking the oath of office, a novitiate of three years must be passed, during which time constant attendance on the court is required; and no one can plead or defend any causes until two years at least of this time has elapsed, or he has arrived at the age of twenty-two years; and no one can be enrolled on the list of advocates until the novitiate has expired.

In Holland, before the ancient Dutch law was supplanted by the code Napoleon, no one was permitted to practise as an advocate or counsel until he had taken the degree of doctor of law in some one of the acknowledged universities, and had

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been sworn in as an advocate before the court. In Scotland, on the occasion before alluded to, the faculty of advocates made a proposal to the court, which was approved of, that no one should be admitted an advocate until he had gone through a course of philosophy, and studied law in a university for two years, and should give a proof of his qualification, or should have served with an advocate of learning and experience for seven years. It was further necessary that he should obtain a recommendation from the Lord Advocate. Soon after this time a thesis was required to be written by the applicant. But a more liberal course of study than that indicated by these regulations was followed by many of their lawyers; for after acquiring the learned languages, and the other branches of education which the country then afforded, they repaired to the low countries which were famous for learned civilians, and there spent several years in the study of the law. Since that time a knowledge not only of the civil law, but of the municipal law and practice of Scotland is indispensably requisite. The applicant must now present a petition to the court, stating his wish to become an advocate, and his readiness to undergo a trial. The court remits him to the Dean of the Faculty, who again remits him to private examinators. On satisfying the examinators that he is twenty years of age complete, they examine him on the civil law. If he be found qualified upon this trial, the examinators report to the Dean and Faculty. After the lapse of a full year he is examined on the municipal law. If he acquit himself properly on this second trial, the examinators recommend him to the dean, who assigns him a title in the civil law for his public trial. A law in the title is then assigned by the dean for his lesson before the lords. On being approved he appears before the court, and takes the oath of office.

In all these countries, we believe, except Germany, (where we are told the condition of the advocate is any thing but independent and agreeable,) the advocates are formed into distinct associations or bodies, and governed by certain rules and regulations touching their practice and conduct.

Taking a general view of the laws and regulations of all these countries, relative to the profession, we see that there are some of these regulations which seem to be generally admitted to be indispensably necessary for the public interest and welfare. They are the same which the learned professor Bellot, in the name of the Commissioners, declares in his

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report, to be essential, namely first, besides a liberal education, a study of the different branches of law for a certain number of years; such examinations as may be sufficient to ascertain whether the candidate is familiar with the principles of the science, and the text and reasons of the law, and an apprenticeship for a certain period with some one in practice, in order to unite the study of the theory with the practice of the law, and to acquire a familiarity with legal forms and processes, as qualifications for the bar. And secondly, an organization of the bar into an association or body, in order to regulate the practice and promote the honor and dignity of the profession.

Some complaint has recently been made, and we think not without good reason, against the system adopted by the Inns of Court in England, because the law is not taught there by professors or public teachers, and no particular course of education is prescribed or required, nor any examination necessary to entitle the candidate to be called to the bar. The society of the Inner Temple have lately established courses of lectures, and employed lecturers to read upon the different branches of the law. Whether the other Inns intend to follow the example or not, we do not know. The want of a regular system of legal education, perhaps may be one cause why the law has not been much studied in England as a science. The evils nevertheless arising from the want of a regular course of instruction, and of an examination, are not so great as without much consideration we might anticipate. A certain number of years being required to be passed in pupilage, and the student being prohibited from following any business whatsoever during this time, it only remains for him to read and qualify himself for the profession, or remain idle, or devote his time to pleasure and amusement. Whoever hopes to succeed in the profession, where there is so much competition, knows that it is an indispensable condition, that he should have a thorough knowledge of the law, and an aptness for practice, especially inasmuch as his attainments and ability will be pretty fairly estimated, by those to whom he can alone look for employment (the attorneys and solicitors) who are themselves lawyers, and not often misled or attracted by superficial attainments, and seldom fail to discover it, if the interests of their client suffer for want of skill and ability, or a competent knowledge of the law on the part of the barrister. This induces every one, who looks to

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the profession for his livelihood, to qualify himself accordingly. And if there be some want of system in the legal education of an English barrister, it must be remembered that there is some want of system in the English law. And although the law may there be studied rather with a view to the particular branch of it which the candidate for the bar thinks will be useful to him, in the future line of practice which he intends to follow, than to comprehend the whole body of it, and reduce it, as far as possible, to general principles, yet, on the whole, he generally is tolerably well qualified for the duties which he undertakes to perform. And indeed many of the English barristers, besides being distinguished for a most profound knowledge of the laws of their country, are distinguished also for their high attainments in literature and the liberal arts and sciences. We have no doubt, nevertheless, that it would be much better for the profession and for the law itself, if it were taught in these Inns by learned professors, in the same manner as the liberal arts and sciences are taught in the universities.

It has been thought by some, who, we think, have not maturely considered the subject, that it would be better to dispense with the condition, which requires a certain time to be passed in pupilage, and to substitute in lieu of it a rigid examination. There are some, it is true, who, by their industry and capacity, will learn more in one year than others will in three. And it may at first view seem unreasonable and unjust, to put the indolent and the stupid, on a footing with the industrious and the talented. But universal practice in the universities and elsewhere has decided, and we think with great reason, that the length of time spent is the best general and practical test of proficiency in any art or science. It is very difficult, by such short examination as is usually made, to ascertain the qualifications of the candidate. And these examinations most commonly have been found to dwindle down into a mere unmeaning form or ceremony. And moreover, if no particular length of time were required, and admission depended wholly upon approval on examination, a wide door would be opened to the most mischievous and odious partiality and favoritism. It is undoubtedly for these reasons that a certain time has been, in all the countries before mentioned, required to be spent in the study of the law, before admission to practice. And that length of time, both in England and in the various states in the United States, whatever may be the industry or talents of the student, instead of being too long, is too short.

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The profession in England derive, we think, far greater advantage from their system of administering justice than they do, in many other countries, from their system of professional education. For in England the Parliament, one branch of which constitutes the highest court of appeal in the realm, the Courts of Common Law, the Courts of Equity, Bankruptcy, and Insolvency, the Courts of Admiralty, and Ecclesiastical Courts, the Court of Colonial Appeals, and in short all the courts of any importance, excepting the assizes held on the different circuits for the trial of causes at *nisi prius*, and the Quarter Sessions, are held in town. Here alone all the barristers transact their professional business, excepting that which is performed in court on the circuits. Here all the judges and barristers, and many attorneys, solicitors and proctors have their principal place of residence, going into the country only in the vacations, or during the assizes there. For the convenience of transacting that part of the professional business of persons in the country, which belongs to attorneys and solicitors to transact, many, indeed, of this class of the profession are dispersed over the country; but they always have their agents in town, being also attorneys or solicitors, with whom they correspond, and who transact all such business as must necessarily be done in town.

This concentration of the members of the Bar in the metropolis, cannot but be attended with the most beneficial results. It affords them a better opportunity than they could otherwise have, of knowing each other both in public and in private life; and of appreciating the merits or demerits of each other, and of every candidate for professional honors or distinction. It enables them to meet frequently together, which among other happy effects tends to generate kind feelings and courteous conduct towards each other. It gives life and vigor to organized associations, for the regulation of their conduct, as members of the profession. It furnishes an opportunity of watching, exercising a censorship over, and controlling with complete effect, the professional practice and conduct of the whole Bar. It creates an *esprit du corps*, which advances with becoming zeal the best interests, at the same time that it promotes the purity and dignity of the profession. It occasions an honorable competition and emulation among the Bar. And among many other manifest advantages with which it is attended, it renders the division of professional labor more convenient among the barristers

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themselves, and between them and solicitors and attorneys, and thereby allows the barrister more time for study, elevates him in rank, makes him more independent, and furnishes him at all times a sufficient number of competent judges of his merit, if he aspires to be known and to succeed by his talents, skill and professional attainments, without courting the favor, humoring the whims and caprices, or depending upon the opinion of the public in general, or the applause of the populace, for his advancement. We certainly know that many eminent men of great ability and learning have, by their merits, made their way to the head of their profession in England, who might, probably, elsewhere, with all those merits, have struggled in obscurity in the lowest rank with scarcely enough to procure their daily bread. And all the laws which can be made, respecting education or qualifications for any profession, will not secure great professional attainments, if they be, in the estimation of those, on whom the professional man must depend for his living, of no value after they have been acquired.

We are much inclined to think that the lofty independence, unimpeachable integrity, and high rank and character of the English Bar, depends much on this classification of the profession. The more humble offices discharged by the attorneys and solicitors, and which must necessarily be discharged by some legal functionary, are quite apt to beget servility and a feeling of dependence, and to put at hazard oftentimes the honor and integrity, as well as the dignity, of the profession. Being the only persons, who, in administering the law, come in immediate contact with those on whom it is made to operate, excepting the bailiffs and officers executing the process, they are necessarily exposed to popular odium ; and relying immediately on the people for patronage and support, they are also necessarily subjected to the dominion of popular opinion. Cringing, sycophancy and obsequiousness cannot be supposed to be necessary, but a great desire to conciliate favor, and a dread of giving offence, must often place them under great restraint. The situation of the barrister is quite different. He does not necessarily come in contact with the parties litigant. Often, perhaps, he may not personally know them. His mind is not narrowed, nor are his habits debased by his business. He is not obliged to submit to any employment which may derogate from his dignity, nor is he liable to any influences unfavorable to freedom of action. It is true he is dependent on the

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attorneys for employment. But this is quite a different sort of dependence from that before mentioned. It is a dependence on those who can appreciate his talents and attainments, and who are interested in employing him who excels. He takes consequently a rank in society, which, in the eyes of the community, adds weight to what he says. As he is employed only for the occasion, and has no intercourse with his clients, he imbibes none of the client's feelings of animosity or revenge. And the Bar, therefore, generally presents a spectacle, not of pitiful wrangling, but of friends disputing grave matters of fact or of law. There is the same division of labor and classification of the profession, we believe, in most of the countries of modern Europe; and it has been so, ever since, and even long before, the time of Justinian. Austria, Prussia, Poland, the Republic and Canton of Geneva, and perhaps some other of the Cantons in Switzerland form the only exceptions of which we happen to have any knowledge.

But we have to remark, however, that the offices of advocate and proctor have recently been united in Geneva, by a law adopted by the representative council, on the recommendation of the commissioners before referred to, who assign reasons for the change, which we have not time or room to consider. In support of some of their assertions, they refer to the countries before named, and to the United States. They admit that, in large cities like London and Paris, there may conveniently be a division of labor, although they seem to think it would be better for the public even there to unite the two classes. And Lord Brougham in the House of Commons threw out a suggestion to the same effect. The opinion entertained, we believe, generally, in England upon this subject, is pretty well expressed in an article in the London Magazine, which contains an allusion to Lord Brougham's suggestion.

"One branch of the profession cannot be struck at in this manner, without the other being hurt by the blow, the real effect of the proposal being to melt the two orders into one. In Poland, for instance, where advocates have been suppressed, the advocate has his office and clerks exactly like an English attorney, and the result would be everywhere the same. Instead of merely advising in cases of difficulty, — *ubi dignus vindice nodus*, — or going into court to speak from a brief, — the barrister would have to manage all the mechanism of a suit, and get up the whole case for himself. With the nature

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of his calling, his arguments and his rank in society would sink, not merely to that of a solicitor, but for obvious causes, considerably below it. A Bar, regulated by a high standard of honor, not merely discharges its own peculiar duties and compels the judge to discharge his with scrupulous integrity, but gives a tone to the profession, and constitutes the best conceivable check on the malversation of subordinates; since the immediate agent with whom the party communicates, feels the hopelessness of asking a member of such a Bar, to conspire with him, and yet cannot venture, — indeed would not be allowed, — to take the whole responsibility on himself."

In France the law has declared the offices of *avocat* and *avoué* to be in general, and with certain exceptions, incompatible. A different education and qualifications are required for the *avoué*. He must be more than twenty-five years of age, and have obtained a certificate of capacity after having spent a certain length of time in one of the faculties of law; and to practise in a *Cour Royale*, must have served a clerkship of five years with an *avoué*. The principal reasons assigned for uniting the two offices, in the report to the Representative Council of Geneva, are certain supposed evils and inconveniences to the client, arising from this division of professional labors; namely, the inconvenience, loss of time, and additional expense, of employing and instructing two persons in regard to different parts of the case intimately connected, the want of the best advice in the first instance, the want of system and unity of views in conducting the cause, and the want of an undivided responsibility of those employed. The commissioners are not very fortunate however, in referring to Austria and Poland as examples of the effects of such a union of professional offices. In those countries, we believe, the profession hold a lower rank in society than in any other part of Europe. But there may be reasons operating in Austria, Prussia, Poland and Switzerland, as there certainly are in most parts of the United States, against such a classification of the profession, which do not exist elsewhere. An attempt has been made in New York, but the separation is far from being complete. It is more a matter of form than of substance. The counsellor communicates directly with the client, credits and perhaps disputes with him, about his fees; frequently has his office in the same chamber with the attorney; and counsels and aids him in business, with some understanding or arrange-

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ment, tacit or express, in relation to the profits. Indeed, our habits of business in this country are not accommodated to an entire separation of the two offices. At the same time it can hardly admit of a doubt that, wherever the institutions and particular circumstances of any country have been such as to admit of a complete separation of the office of the advocate from that of the proctor or attorney, the advocates as a class, other things being equal, have been thereby elevated in character, and rendered more independent, and have held a higher rank in society.

The reason assigned by the Inns of Court for requiring that an attorney or solicitor shall have ceased to practice a certain number of years before being called to the Bar, as Sir James Scarlett (now Lord Abinger) declared in the House of Commons, is, that otherwise the profession of an attorney would be made a stepping-stone to obtaining success at the Bar through the medium of connexions, formed in a manner which could not fail to be in the highest degree injurious to the character of the Bar.

The English barrister attaches great importance to the usage which has arisen from necessity, of receiving his fees in advance. He can maintain no action for them. And if he could, he would think it a great indignity to be compelled to try the question upon a *quantum meruit* before a jury, whether he were or not entitled to one or two hundred guineas, more or less, for a retainer in an action at the assizes, which happened not to be tried. In this respect, the practice in England agrees with that of France and Spain.

The high character of the English Bar is the best security for the due administration of English laws. For the judges, who are the great protectors of the rights, immunities and privileges of the subject, are always selected from the Bar. And although political reasons may have weight in the minds of those who procure the appointments, it rarely can happen that incompetent men are elevated to the bench. And if any such person should by chance be appointed, and be so ignorant of himself as to be willing to accept the appointment, such is the character of the Bar that he could not long hold a seat there with satisfaction to the profession, or to himself. The examples of Lords Erskine and Brougham have shown, that even the greatest talents, and learning, and even popularity, will not satisfy a learned profession, when the requisite qualifications

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for office are wanting. This usage of selecting the judges from the Bar, is much preferable to that which is adopted in France, Italy, Germany, and many parts of Europe, where they are taken immediately from the universities, or law faculties, without the benefit of experience.

It is an excellent feature in the system of administering the laws in England that the judges are placed, as far as possible, above all improper influences. They are clothed with a dignity that awes and forbids approach. At home, they are so much occupied in court, and at their chambers in Sergeant's Inn, that they have but little time to spend in social intercourse. At the assizes, as well as at home, they have but little intercourse with the Bar, and at all times, except in the social circle, are inaccessible to the people. They usually enter the buildings, where the courts are holden, by a private door which leads to their private room, where none but themselves and their friends, by invitation, are allowed to enter. Here they put on their robes, bands and wigs, and enter the court, through a private door which leads to the bench, from whence they retire to this room at pleasure to take refreshment, or to disrobe and leave the court. In court the demeanor of the bench towards the Bar and of the Bar towards the bench is always courteous. Indeed, among those who have had the education of gentlemen, it can hardly be expected to be otherwise.

We did intend to have made some remarks respecting the state of the profession in our own country, but have only room to express our regret, that men like Mr. Daniel Whittle Harvey and his friends in England, should have found any congenial spirits among our countrymen ready to re-echo their sentiments, or willing to slander and vilify, and attempt to lower in the estimation of the public, a class of men on whom at all times the due administration of the laws, and the rights and liberties of the people have in a great degree depended; a class of men among whom, in all countries and in all ages, have been found the most bold, uncompromising, strenuous, and distinguished friends of freedom. A class of men to whom the people of England are indebted for their Bill of Rights and the United States for their Independence, and their republican constitutions of government.

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